

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

FEDERAL REGISTER

VOLUME 7 NUMBER 171

Washington, Saturday, August 29, 1942

Regulations

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Administration

Subchapter A—Commodity Standards and Standard Container Regulations

PART 26—GRAIN STANDARDS

AMENDMENT OF WORDING

By virtue of the authority vested in the Secretary of Agriculture by the United States Grain Standards Act (39 Stat. 482, as amended; 7 U.S.C. 1940 ed. 71-87), the following amendments to Title 7, Chapter I, Part 26, Code of Federal Regulations (7 CFR and 1939 Supp., Chapter I, Part 26, as amended and supplemented by 5 F.R. 2883 and 6 F.R. 417, 2675), are promulgated:

Section 26.2 (i) is amended to read:

(i) *Administrator*. The Administrator of the Agricultural Marketing Administration of the Department or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

In §§ 26.2 (p), 26.48, and 26.76, the words "Grain and Seed Division" are stricken and the words "Grain, Feed and Seed Branch" substituted therefor.

In §§ 26.2 (j), 26.2 (p), and 26.87, the words "Agricultural Marketing Service" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

Wherever they appear in Part 26, the words "Chief of the Service" are stricken and the word "Administrator" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8456; Filed, August 28, 1942; 11:56 a. m.]

PART 27—COTTON CLASSIFICATION UNDER THE UNITED STATES COTTON FUTURES ACT

AMENDMENT OF WORDING

By virtue of the authority vested in the Secretary of Agriculture by the United States Cotton Futures Act (39 Stat. 476, as amended; 26 U.S.C. 1940 ed. 1920-1935, 3082) and the Act of April 7, 1941 (55 Stat. 131), the following amendments to Title 7, Chapter 1, Part 27, Code of Federal Regulations (7 CFR, 1938 Supp., and 1939 Supp., Chapter 1, Part 27, as amended and supplemented by 5 F.R. 1103 and 6 F.R. 3935, 4412), are promulgated:

Section 27.2 (f) is amended to read:

(f) *Administrator*. The Administrator of the Agricultural Marketing Administration of the Department of Agriculture or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in Part 27, the words "Chief of Service", the words "Chief of the Service", and the words "Chief of the Agricultural Marketing Service" are stricken, and the word "Administrator" is substituted therefor.

Wherever, in Part 27, the word "Service" is used to mean the Agricultural Marketing Service, it is stricken, and the words "Agricultural Marketing Administration" are substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8455; Filed, August 28, 1942; 11:56 a. m.]

PART 28—COTTON STANDARDS

AMENDMENT OF WORDING

By virtue of the authority vested in the Secretary of Agriculture by the (Continued on next page)

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Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Telephone information: DIstrict 0525.

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United States Cotton Standards Act (42 Stat. 1517, as amended; 7 U.S.C. 1940 ed. 51-65), the following amendments to Title 7, Chapter 1, Part 28, Code of Federal Regulations (7 CFR, 1938 Supp., and 1939 Supp., Chapter 1, Part 28, as amended and supplemented by 5 F.R. 1105), are promulgated:

Section 28.2 (f) is amended to read:

(f) *Administrator.* The Administrator of the Agricultural Marketing Administration of the Department of Agriculture or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in Part 28, the words "Chief of Service", the words "Chief of the Service", and the words "Chief of the Agricultural Marketing Service" are stricken, and the word "Administrator" is substituted therefor.

Wherever, in Part 28, the word "Service" is used to mean Agricultural Marketing Service, it is stricken, and the words "Agricultural Marketing Administration" are substituted therefor.

The first sentence in § 28.914 is amended to read:

§ 28.914 *Time limitation.* Application shall be filed with an authorized representative of the Agricultural Marketing Administration or mailed to such representative within a period of time to be announced by that Administration for the receipt of applications for services during the year to which such application relates. * * *

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8454; Filed, August 28, 1942; 11:56 a. m.]

PART 29—TOBACCO INSPECTION

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 1940 ed. 511-511q), the following amendments to Title 7, Chapter 1, Part 29, Code of Federal Regulations (7 CFR, 1938 Supp., and 1939 Supp., Chapter 1, Part 29, as amended and supplemented by 5 F.R. 272), are promulgated:

Section 29.2 (e) is amended to read:

(e) *Administrator.* The Administrator of the Agricultural Marketing Administration or any officer or employee of the Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in Part 29, the words "Agricultural Marketing Service" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

Wherever they appear in Part 29, the words "Chief of Service" are stricken and the word "Administrator" is substituted therefor.

Wherever, in Part 29, the word "Service" is used to mean the Agricultural Marketing Service, it is stricken and the word "Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8452; Filed, August 28, 1942; 11:56 a. m.]

PART 31—WOOL STANDARDS

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by law (Sec. 19, 39 Stat. 489, 45 Stat. 593, 55 Stat. 408; 7 U.S.C. 1940 ed. 257, 415a-415d), the

following amendments to Title 7, Chapter I, Part 31, Code of Federal Regulations (7 CFR and 1939 Supp., Chapter I, Part 31), are promulgated:

In §§ 31.51(b), 31.52(d), 31.151(b), 31.153, and 31.154, the words "Chief of the Agricultural Marketing Service" are stricken and the words "Administrator of the Agricultural Marketing Administration" substituted therefor.

In § 31.51 (b), the words "Agricultural Marketing Service" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8453; Filed, August 28, 1942;
11:56 a. m.]

PART 33—EXPORT APPLES AND PEARS

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the Export Apple and Pear Act (48 Stat. 123; 7 U.S.C. 1940 ed. 581-589), the following amendments to Title 7, Chapter I, Part 33, Code of Federal Regulations (7 CFR, 1938 Supp., and 1939 Supp., Chapter I, Part 33), are promulgated:

Section 33.2 is amended to read:

§ 33.2 *Administrator*. The Administrator of the Agricultural Marketing Administration shall perform for and under the supervision of the Secretary such duties as the Secretary may require in enforcing the provisions of the Act and of this part.

In §§ 33.6 and 33.7, the words "Chief of Service" are stricken and the word "Administrator" is substituted therefor.

In § 33.9, the words "Chief of Agricultural Marketing Service" are stricken and the words "Administrator of Agricultural Marketing Administration" substituted therefor.

In § 33.11, the words "Chief of the Agricultural Marketing Service" are stricken and the words "Administrator of the Agricultural Marketing Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8451; Filed, August 28, 1942;
11:56 a. m.]

PART 34—TOBACCO SEED AND PLANT EXPORTATION ACT

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the Tobacco Seed and Plant Exportation Act (54 Stat. 231; 7 U.S.C. 1940 ed. 516, 517), the following amendments to Title 7,

Chapter I, Part 34, Code of Federal Regulations, as published in the FEDERAL REGISTER on July 23, 1941 (6 F.R. 3621), are promulgated:

In § 34.1, the words "Chief of Service. The Chief of the Agricultural Marketing Service" are stricken and the words "Administrator. The Administrator of the Agricultural Marketing Administration" substituted therefor.

In § 34.2, the words "Chief or Acting Chief of the Agricultural Marketing Service" are stricken and the words "Administrator of the Agricultural Marketing Administration" substituted therefor.

In § 34.10, the words "Tobacco Division, Agricultural Marketing Service" are stricken and the words "Tobacco Branch, Agricultural Marketing Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8450; Filed, August 28, 1942;
11:55 a. m.]

PART 41—STANDARD CONTAINERS

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the Standard Container Act of 1928 (45 Stat. 685; 15 U.S.C. 1940 ed. 257-257i), the following amendments to Title 7, Chapter I, Part 41, Code of Federal Regulations (7 CFR and 1939 Supp., Chapter I, Part 41), are promulgated:

Section 41.12(c) is amended to read:

(c) *Administrator*. The Administrator of the Agricultural Marketing Administration of the United States Department of Agriculture or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in §§ 41.13 to 41.17, inclusive, the words "Chief of Service" are stricken and the word "Administrator" is substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8446; Filed, August 28, 1942;
11:55 a. m.]

Subchapter B—Marketing of Perishable Agricultural Produce

PART 48—REGULATIONS UNDER THE PRODUCE AGENCY ACT

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the Produce Agency Act (44 Stat. 1355; 7 U.S.C. 1940 ed. 491-497), the following amendments to Title 7, Chapter I, Part 48,

Code of Federal Regulations, as published in the FEDERAL REGISTER on July 17, 1941 (6 F.R. 3510), are promulgated:

Section 48.2 (d) is amended to read:

(d) *Administrator*. The Administrator of the Agricultural Marketing Administration of the United States Department of Agriculture or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in §§ 48.3, 48.7, and 48.8, the words "Chief of Service" are stricken and the word "Administrator" is substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8447; Filed, August 28, 1942;
11:55 a. m.]

Subchapter C—Regulations Under the Farm Products Inspection Act

PART 51—FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION AND CERTIFICATION)

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by law (55 Stat. 406; 7 U.S.C. 414, 499a), the following amendments to Title 7, Chapter I, Subchapter C, Part 51, Code of Federal Regulations, as published in the FEDERAL REGISTER on December 31, 1941 (6 F.R. 6817), are promulgated:

Section 51.2 (c) is amended to read:

(c) *Administrator*. The Administrator of the Agricultural Marketing Administration or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in Part 51, the words "Chief of Service" are stricken and the word "Administrator" is substituted therefor.

Wherever they appear in Part 51, the words "Agricultural Marketing Service" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

In § 51.21, the words "Surplus Marketing Administration" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

In § 51.43 (a), the word "Service" is stricken and the word "Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8448; Filed, August 28, 1942;
11:55 a. m.]

**PART 52—CANNED FRUITS AND VEGETABLES
(GRADING AND CERTIFICATION)**

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by law (55 Stat. 408; 7 U.S.C. 414), the following amendments to Title 7, Chapter 1, Subchapter C, Part 52, Code of Federal Regulations (7 CFR, 1939 Supp., Chapter 1, Subchapter C, Part 52, as amended by 6 F.R. 5164), are promulgated:

Wherever they appear in Part 52, the words "Chief of the Agricultural Marketing Service" are stricken and the words "Administrator of the Agricultural Marketing Administration" substituted therefor.

Wherever they appear in Part 52, the words "Agricultural Marketing Service" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

In § 52.4(a), the words "Farm Products Inspection Service" are stricken and the words "Processed Foods Standardization and Inspection Division" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8449; Filed, August 28, 1942; 11:55 a. m.]

**PART 53—MEATS, PREPARED MEATS, AND
MEAT PRODUCTS (GRADING AND CERTIFICATION)**

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by law (55 Stat. 408; 7 U.S.C. 414), the following amendments to Title 7, Chapter 1, Subchapter C, Part 53, Code of Federal Regulations (7 CFR and 1939 Supp., Chapter 1, Subchapter C, Part 53), are promulgated:

Section 53.2 (c) is amended to read:

(c) *Administration.* The Agricultural Marketing Administration of the Department of Agriculture.

Insert a new paragraph after § 53.2 (c) to read:

(1) *Administrator.* The Administrator of the Agricultural Marketing Administration of the Department of Agriculture, or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in Part 53, the words "Chief of Service" and "Chief of the Service" are stricken and the word "Administrator" substituted therefor.

Wherever it appears in Part 53, the word "Service" meaning Agricultural Marketing Service is stricken, and the word "Administration" substituted therefor.

Section 53.32 is amended to read:

§ 53.32 *Who may be licensed as graders.* Persons showing proper qualifications may be licensed by the Secretary as official graders of products which may be graded under the Act. All such licenses shall be countersigned by the Chief, Livestock Branch, by the specialist in charge of grading in that Branch, or by the supervising grader under whose direction the licensee is to grade.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8445; Filed, August 28, 1942; 11:54 a. m.]

PART 55—SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF BUTTER, CHEESE, EGGS, POULTRY, AND DRESSED DOMESTIC RABBITS

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by law (55 Stat. 408; 7 U.S.C. 414), the following amendments to Title 7, Chapter 1, Subchapter C, Part 55, Code of Federal Regulations, as published in the FEDERAL REGISTER on July 23, 1941 (6 F.R. 3622), and as amended by 6 F.R. 5027 and 7 F.R. 1123, are promulgated:

Section 55.2 (c) is amended to read:

(c) *Administrator.* The Administrator of the Agricultural Marketing Administration of the Department of Agriculture, or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

In §§ 55.32 and 55.33, the words "Officer in Charge of the Dairy and Poultry Division" are stricken and the words "Chief of the Dairy and Poultry Branch" substituted therefor; likewise in these sections, the word "division" is stricken and the word "branch" substituted therefor.

Wherever they appear in Part 55, the words "Chief of Service" are stricken and the word "Administrator" substituted therefor.

Wherever they appear in Part 55, the words "Agricultural Marketing Service" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

Wherever it appears in Part 55, the word "Service" is stricken, and the word "Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8444; Filed, August 28, 1942; 11:54 a. m.]

PART 56—DRESSED POULTRY AND DRESSED DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF (INSPECTION AND CERTIFICATION FOR CONDITION)

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by law (55 Stat. 408; 7 U.S.C. 414), the following amendments to Title 7, Chapter 1, Part 56, Code of Federal Regulations (7 CFR and 1939 Supp., 1939 Supp., Chapter 1, Subchapter C, Part 56, as amended by 6 F.R. 2601), are promulgated:

Section 56.2 (c) is amended to read:

(c) *Administration.* The Agricultural Marketing Administration of the United States Department of Agriculture.

Add a new paragraph after § 56.2 (c) to read:

(1) *Administrator.* The Administrator of the Agricultural Marketing Administration of the Department of Agriculture, or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in Part 56, the words "Agricultural Marketing Service" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

Wherever they appear in Part 56, the words "Chief of Service" are stricken and the word "Administrator" substituted therefor.

Wherever it appears in Part 56, the word "Service" is stricken and the word "Administration" substituted therefor.

In § 56.48 the words "specialist in charge of the Division of Dairy and Poultry Products" are stricken, and the words "Chief of the Dairy and Poultry Branch" substituted therefor.

In § 56.48 the word "Division" is stricken, and the word "Branch" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8443; Filed, August 28, 1942; 11:54 a. m.]

PART 57—HAY AND STRAW (INSPECTION AND CERTIFICATION FOR CLASS AND CONDITION)

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by law (55 Stat. 408; 7 U.S.C. 414), the following amendments to Title 7, Chapter 1, Subchapter C, Part 57, Code of Federal Regulations (7 CFR, 1939 Supp., Chapter 1, Subchapter C, Part 57), are promulgated:

Add a new paragraph after § 57.2 (c) to read:

(1) *Administrator.* The Administrator of the Agricultural Marketing Ad-

ministration of the Department of Agriculture, or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in Part 57, the words "Chief of the Service" are stricken, and the word "Administrator" substituted therefor.

Wherever they appear in Part 57, the words "Agricultural Marketing Service" are stricken, and the words "Agricultural Marketing Administration" substituted therefor.

Wherever it appears in Part 57, the word "Service" is stricken, and the word "Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8442; Filed, August 28, 1942;
11:53 a. m.]

PART 58—BEANS AND PEAS (INSPECTION AND CERTIFICATION)

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by law (55 Stat. 408; 7 U.S.C. 414), the following amendments to Title 7, Chapter I, Subchapter C, Part 58, Code of Federal Regulations (7 CFR, 1939 Supp., Chapter I, Subchapter C, Part 58, as amended by 6 F.R. 367), are promulgated:

Add a new paragraph after § 58.2 (d) to read:

(1) *Administrator*. The Administrator of the Agricultural Marketing Administration of the Department of Agriculture, or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in Part 58, the words "Chief of Service" and "Chief of the Service" are stricken, and the word "Administrator" substituted therefor.

Wherever it appears in Part 58, the word "Service" is stricken, and the word "Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8441; Filed, August 28, 1942;
11:53 a. m.]

PART 59—SEEDS (INSPECTION AND CERTIFICATION)

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by law (55 Stat. 408; 7 U.S.C. 414), the following amendments to Title 7, Chapter I, Sub-

chapter C, Part 59, Code of Federal Regulations (7 CFR, 1939 Supp., Chapter I, Subchapter C, Part 59), are promulgated:

Add a new paragraph after § 59.2 (d) to read:

(1) *Administrator*. The Administrator of the Agricultural Marketing Administration of the Department of Agriculture, or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in Part 59, the words "Chief of the Service," "Chief of Service," and "Chief of the Agricultural Marketing Service" are stricken, and the word "Administrator" substituted therefor.

Wherever they appear in Part 59, the words "Agricultural Marketing Service" are stricken, and the words "Agricultural Marketing Administration" substituted therefor.

Wherever it appears in Part 59, the word "Service," when intended to mean Agricultural Marketing Service is stricken, and the word "Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8440; Filed, August 28, 1942;
11:53 a. m.]

PART 60—RICE (INSPECTION AND CERTIFICATION)

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by law (55 Stat. 408; 7 U.S.C. 414), the following amendments to Title 7, Chapter I, Subchapter C, Part 60, Code of Federal Regulations (7 CFR, 1939 Supp., Chapter I, Subchapter C, Part 60), are promulgated:

Section 60.2 (c) is amended to read:

(c) *Administration*. The Agricultural Marketing Administration of the Department of Agriculture.

Insert a new paragraph after § 60.2 (c) to read:

(1) *Administrator*. The Administrator of the Agricultural Marketing Administration of the Department of Agriculture, or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in Part 60, the words "Chief of the Service" are stricken, and the word "Administrator" substituted therefor.

Wherever it appears in Part 60, the word "Service," intended to mean Agricultural Marketing Service, is stricken, and the word "Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8439; Filed, August 28, 1942;
11:53 a. m.]

PART 61—COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION, SAMPLING, AND CERTIFICATION)

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by law (55 Stat. 408; 7 U.S.C. 414), the following amendments to Title 7, Chapter I, Subchapter C, Part 61, Code of Federal Regulations (7 CFR, 1939 Supp., Chapter I, Subchapter C, Part 61), are promulgated:

Section 61.2 (h) is amended to read:

(h) *Administrator*. The Administrator of the Agricultural Marketing Administration of the Department of Agriculture, or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in Part 61, the words "Chief of Agricultural Marketing Service," "Chief of Service," and "Chief of the Service" are stricken, and the word "Administrator" substituted therefor.

Wherever it appears in Part 61, the word "Service" is stricken and the word "Administration" substituted therefor.

Wherever they appear in Part 61, the words "Agricultural Marketing Service" are stricken, and the words "Agricultural Marketing Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8438; Filed, August 28, 1942;
11:53 a. m.]

PART 62—COUNTRY-RUN FORAGE SEEDS FOR DOCKAGE (INSPECTION)

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by law (55 Stat. 408; 7 U.S.C. 414), the following amendments to Title 7, Chapter I, Subchapter C, Part 62, Code of Federal Regulations (7 CFR, 1939 Supp., Chapter I, Subchapter C, Part 62) are promulgated:

Insert a new paragraph after § 62.2 (c) to read:

(1) *Administrator*. The Administrator of the Agricultural Marketing Administration of the Department of Agriculture, or any officer or employee of that Administration to whom the Administrator has heretofore lawfully dele-

gated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in Part 62, the words "Agricultural Marketing Service" are stricken, and the words "Agricultural Marketing Administration" substituted therefor.

Wherever it appears in Part 62, the word "Service," intended to mean Agricultural Marketing Service, is stricken, and the word "Administration" substituted therefor.

Wherever they appear in Part 62, the words "Chief of the Service" are stricken, and the word "Administrator" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8425; Filed, August 28, 1942;
11:52 a. m.]

Subchapter D—Warehouse Regulations

PART 101—COTTON WAREHOUSES AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the United States Warehouse Act, as amended (39 Stat. 486-491; 41 Stat. 266; 42 Stat. 1282; 46 Stat. 1463; 7 U.S.C. 241-273), the following amendments to Title 7, Chapter I, Subchapter D, Part 101, Code of Federal Regulations (7 CFR, 1938 Supp., 1939 Supp., Chapter I, Subchapter D, Part 101), are promulgated:

Section 101.2 (d) is amended to read:

(d) *Administrator*. The Administrator of the Agricultural Marketing Administration of the Department of Agriculture, or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Section 101.2 (e) is amended to read:

(e) *Designated representative*. The Administrator of the Agricultural Marketing Administration.

Wherever they appear in Part 101, the words "Chief of the Service" are stricken, and the word "Administrator" substituted therefor.

Wherever they appear in Part 101, the words "Agricultural Marketing Service" are stricken, and the words "Agricultural Marketing Administration" substituted therefor.

Wherever it appears in Part 101, the word "Service" is stricken, and the word "Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8426; Filed, August 28, 1942;
11:52 a. m.]

PART 102—GRAIN WAREHOUSES

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the United States Warehouse Act as amended (39 Stat. 486-491; 41 Stat. 266; 42 Stat. 1282; 46 Stat. 1463; 7 U.S.C. 241-273), the following amendments to Title 7, Chapter I, Subchapter D, Part 102, Code of Federal Regulations (7 CFR, 1938 Supp., 1939 Supp., Chapter I, Subchapter D, Part 102, as amended by 6 F.R. 3511) are promulgated:

Section 102.2 (f) is amended to read:

(f) *Administrator*. The Administrator of the Agricultural Marketing Administration or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in Part 102, the words "Chief of the Service" are stricken and the word "Administrator" substituted therefor.

Wherever they appear in Part 102, the words "Agricultural Marketing Service" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

Wherever it appears in Part 102, the word "Service" is stricken and the word "Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8427; Filed, August 28, 1942;
11:52 a. m.]

PART 103—TOBACCO WAREHOUSE

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the United States Warehouse Act as amended (39 Stat. 486-491; 41 Stat. 266; 42 Stat. 1282; 46 Stat. 1463; 7 U.S.C. 241-273), the following amendments to Title 7, Chapter I, Subchapter D, Part 103, Code of Federal Regulations (7 CFR, 1938 Supp., 1939 Supp., Chapter I, Subchapter D, Part 103) are promulgated:

Section 103.2 (g) is amended to read:

(g) *Administrator*. The Administrator of the Agricultural Marketing Administration or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in Part 103, the words "Chief of the Service" and "Chief of the Agricultural Marketing Service" are stricken and the word "Administrator" substituted therefor.

Wherever they appear in Part 103, the words "Agricultural Marketing Service" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

Wherever it appears in Part 103, the word "Service" is stricken and the word "Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8428; Filed, August 28, 1942;
11:52 a. m.]

PART 104—WOOL WAREHOUSES

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the United States Warehouse Act as amended (39 Stat. 486-491; 41 Stat. 266; 42 Stat. 1282; 46 Stat. 1463; 7 U.S.C. 241-273), the following amendments to Title 7, Chapter I, Subchapter D, Part 104, Code of Federal Regulations (7 CFR, 1940 Supp., Chapter I, Subchapter D, Part 104), are promulgated:

Section 104.2 (e) is amended to read:

(e) *Administrator*. The Administrator of the Agricultural Marketing Administration or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in Part 104, the words "Chief of the Service" and "Chief of the Agricultural Marketing Service" are stricken and the word "Administrator" substituted therefor.

Wherever they appear in Part 104, the words "Agricultural Marketing Service" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

Wherever it appears in Part 104, the word "Service" is stricken and the word "Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8429; Filed, August 28, 1942;
11:52 a. m.]

PART 105—BROOMCORN WAREHOUSES

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the United States Warehouse Act as amended (39 Stat. 486-491; 41 Stat. 266; 42 Stat. 1282; 46 Stat. 1463; 7 U.S.C. 241-273), the following amendments to Title 7, Chapter I, Subchapter D, Part 105, Code of Federal Regulations (7 CFR, 1940 Supp., Chapter I, Subchapter D, Part 105) are promulgated:

Section 105.2 (d) is amended to read:

(d) *Administrator*. The Administrator of the Agricultural Marketing Administration or any officer or employee of that Administration to whom the

Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Section 105.2 (e) is amended to read:

(e) *Designated representative.* The Administrator of the Agricultural Marketing Administration.

Wherever they appear in Part 105, the words "Chief of the Service" are stricken and the word "Administrator" substituted therefor.

Wherever they appear in Part 105, the words "Agricultural Marketing Service" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

Wherever it appears in Part 105, the word "Service" is stricken and the word "Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8430; Filed, August 28, 1942;
11:51 a. m.]

PART 106—DRY BEANS WAREHOUSES AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the United States Warehouse Act as amended (39 Stat. 486-491; 41 Stat. 266; 42 Stat. 1282; 46 Stat. 1463; 7 U.S.C. 241-273), the following amendments to Title 7, Chapter I, Subchapter D, Part 106, Code of Federal Regulations (7 CFR, 1938 Supp., 1939 Supp., Chapter I, Subchapter D, Part 106) are promulgated:

Section 106.2 (f) is amended to read:

(f) *Administrator.* The Administrator of the Agricultural Marketing Administration or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in Part 106, the words "Chief of the Service" and "Chief of the Agricultural Marketing Service" are stricken and the word "Administrator" substituted therefor.

Wherever they appear in Part 106, the words "Agricultural Marketing Service" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

Wherever it appears in Part 106, the word "Service" is stricken and the word "Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8431; Filed, August 28, 1942;
11:51 a. m.]

PART 107—NUTS WAREHOUSES AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the United States Warehouse Act as amended (39 Stat. 486-491; 41 Stat. 266; 42 Stat. 1282; 46 Stat. 1463; 7 U.S.C. 241-273), the following amendments to Title 7, Chapter I, Subchapter D, Part 107, Code of Federal Regulations (7 CFR, 1938 Supp., 1939 Supp., Chapter I, Subchapter D, Part 107) are promulgated:

Section 107.2 (e) is amended to read:

(e) *Administrator.* The Administrator of the Agricultural Marketing Administration or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in Part 107, the words "Chief of the Service" and "Chief" are stricken and the word "Administrator" substituted therefor.

Wherever they appear in Part 107, the words "Agricultural Marketing Service" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

Wherever it appears in Part 107, the word "Service" intended to mean Agricultural Marketing Service, is stricken and the word "Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8432; Filed, August 28, 1942;
11:51 a. m.]

PART 108—SIRUP WAREHOUSES AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the United States Warehouse Act as amended (39 Stat. 486-491; 41 Stat. 266; 42 Stat. 1282; 46 Stat. 1463; 7 U.S.C. 241-273), the following amendments to Title 7, Chapter I, Subchapter D, Part 108, Code of Federal Regulations (7 CFR, 1939 Supp., Chapter I, Subchapter D, Part 108) are promulgated:

Section 108.2 (e) is amended to read:

(e) *Administrator.* The Administrator of the Agricultural Marketing Administration or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Section 108.2 (f) is amended to read:

(f) *Designated representative.* The Administrator.

Wherever they appear in Part 108, the words "Chief of the Service" are stricken

and the word "Administrator" substituted therefor.

Wherever they appear in Part 108, the words "Agricultural Marketing Service" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

Wherever it appears in Part 108, the word "Service" intended to mean Agricultural Marketing Service, is stricken and the word "Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8433; Filed, August 28, 1942;
11:51 a. m.]

PART 109—DRIED FRUIT WAREHOUSES AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the United States Warehouse Act as amended (39 Stat. 486-491; 41 Stat. 266; 42 Stat. 1282; 46 Stat. 1463; 7 U.S.C. 241-273), the following amendments to Title 7, Chapter I, Subchapter D, Part 109, Code of Federal Regulations (7 CFR, 1938 Supp., 1939 Supp., Chapter I, Subchapter D, Part 109) are promulgated:

Section 109.2 (f) is amended to read:

(f) *Administrator.* The Administrator of the Agricultural Marketing Administration or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in Part 109, the words "Chief of the Service," "Chief of the Agricultural Marketing Service" and "Chief" are stricken and the word "Administrator" substituted therefor.

Wherever they appear in Part 109, the words "Agricultural Marketing Service" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

Wherever it appears in Part 109, the word "Service" is stricken and the word "Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8434; Filed, August 28, 1942;
11:51 a. m.]

PART 110—CANNED FOOD WAREHOUSES AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the United States Warehouse Act as amended (39 Stat. 486-491; 41 Stat. 266; 42 Stat. 1282; 46 Stat. 1463; 7 U.S.C. 241-273),

the following amendments to Title 7, Chapter I, Subchapter D, Part 110, Code of Federal Regulations, as published in the FEDERAL REGISTER on February 4, 1941 (6 F.R. 729) are promulgated:

Section 110.2 (e) is amended to read:

(e) *Designated representative.* The Administrator of the Agricultural Marketing Administration.

Section 110.2 (f) is amended to read:

(f) *Administrator.* The Administrator of the Agricultural Marketing Administration or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in Part 110, the words "Chief" and "Chief of the Service" are stricken and the word "Administrator" substituted therefor.

Wherever they appear in Part 110, the words "Agricultural Marketing Service" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

Wherever it appears in Part 110, the word "Service" is stricken and the word "Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8435; Filed, August 28, 1942;
11:50 a. m.]

PART 111—COTTONSEED WAREHOUSES

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the United States Warehouse Act, as amended (39 Stat. 486-491; 41 Stat. 266; 42 Stat. 1282; 46 Stat. 1463; 7 U.S.C. 241-273), the following amendments to Title 7, Chapter I, Subchapter D, Part 111, Code of Federal Regulations (7 CFR, 1938 Supp., 1939 Supp., Chapter I, Subchapter D, Part 111) are promulgated:

Section 111.2 (d) is amended to read:

(d) *Administrator.* The Administrator of the Agricultural Marketing Administration or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in Part 111, the words "Chief of the Service" are stricken and the word "Administrator" substituted therefor.

Wherever they appear in Part 111, the words "Agricultural Marketing Service" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

Wherever it appears in Part 111, the word "Service" is stricken and the word "Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand

and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8436; Filed, August 28, 1942;
11:50 a. m.]

PART 112—COLD-PACK FRUIT WAREHOUSES

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the United States Warehouse Act, as amended (39 Stat. 486-491; 41 Stat. 266; 42 Stat. 1282; 46 Stat. 1463; 7 U.S.C. 241-273), the following amendments to Title 7, Chapter I, Subchapter D, Part 112, Code of Federal Regulations (7 CFR, 1940 Supp., Chapter I, Subchapter D, Part 112) are promulgated:

Section 112.2 (e) is amended to read:

(e) *Administrator.* The Administrator of the Agricultural Marketing Administration or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Section 112.2 (f) is amended to read:

(f) *Designated representative.* The Administrator of the Agricultural Marketing Administration.

Wherever they appear in Part 112, the words "Chief of the Service" are stricken and the word "Administrator" substituted therefor.

Wherever they appear in Part 112, the words "Agricultural Marketing Service" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

Wherever it appears in Part 112, the word "Service," intended to mean Agricultural Marketing Service, is stricken and the word "Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8437; Filed, August 28, 1942;
11:50 a. m.]

PART 113—SEEDS WAREHOUSES

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the United States Warehouse Act, as amended (39 Stat. 486-491; 41 Stat. 266; 42 Stat. 1282; 46 Stat. 1463; 7 U.S.C. 241-273), the following amendments to Title 7, Chapter I, Subchapter D, Part 113, Code of Federal Regulations (7 CFR, 1938 Supp., 1939 Supp., Chapter I, Subchapter D, Part 113) are promulgated:

Section 113.2 (e) is amended to read:

(e) *Administrator.* The Administrator of the Agricultural Marketing Adminis-

tration or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in Part 113, the words "Chief of the Service" and "Chief" are stricken and the word "Administrator" substituted therefor.

Wherever they appear in Part 113, the words "Agricultural Marketing Service" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

Wherever it appears in Part 113, the word "Service" is stricken and the word "Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August, 1942. Witness my hand and the seal of the Department of Agriculture.

GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8422; Filed, August 28, 1942;
11:49 a. m.]

PART 114—CHERRIES IN SULPHUR DIOXIDE BRINE WAREHOUSES

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the United States Warehouse Act, as amended (39 Stat. 486-491; 41 Stat. 266; 42 Stat. 1282; 46 Stat. 1463; 7 U.S.C. 241-273), the following amendments to Title 7, Chapter I, Subchapter D, Part 114, Code of Federal Regulations (7 CFR, 1938 Supp., 1939 Supp., Chapter I, Subchapter D, Part 114) are promulgated:

Section 114.2 (e) is amended to read:

(e) *Designated representative.* The Administrator of the Agricultural Marketing Administration.

Section 114.2 (f) is amended to read:

(f) *Administrator.* The Administrator of the Agricultural Marketing Administration or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

Wherever they appear in Part 114, the words "Chief of the Service" and "Chief" are stricken and the word "Administrator" substituted therefor.

Wherever they appear in Part 114, the words "Agricultural Marketing Service" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

Wherever it appears in Part 114, the word "Service" is stricken and the word "Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8461; Filed, August 28, 1942;
11:49 a. m.]

PART 151—FIELD WAREHOUSES

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the United States Warehouse Act, as amended (39 Stat. 486-491; 41 Stat. 266; 42 Stat. 1282; 46 Stat. 1463; 7 U.S.C. 241-273), the following amendment to Title 7, Chapter I, Subchapter D, Part 151, Code of Federal Regulations (7 CFR, Chapter I, Subchapter D, Part 151) is promulgated:

Wherever it appears in Part 151, the word "Bureau" is stricken, and the words "Agricultural Marketing Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8423; Filed, August 28, 1942;
11:49 a. m.]

PART 160—REGULATIONS FOR THE ENFORCEMENT OF THE NAVAL STORES ACT

AMENDMENT OF WORDING

By virtue of the authority vested in the Secretary of Agriculture by The Naval Stores Act (42 Stat. 1435; 7 U.S.C. 1940 ed. 91-99), the following amendments to Title 7, Chapter I, Part 160, Code of Federal Regulations, as published in the FEDERAL REGISTER on April 24, 1941 (6 F.R. 2099), are promulgated:

In § 160.1, the words "The Chief of the Agricultural Marketing Service" are stricken and the words "The Administrator of the Agricultural Marketing Administration" substituted therefor.

Section 160.2 (d) is amended to read as follows:

(d) "Administrator." The Administrator of the Agricultural Marketing Administration of the Department or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

In §§ 160.48 and 160.62, the words "Agricultural Marketing Service" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

Wherever they appear in Part 160, the words "Chief of Service" are stricken and the word "Administrator" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8424; Filed, August 28, 1942;
11:49 a. m.]

No. 171—2

Chapter VII—Agricultural Adjustment Agency

[Tobacco 603 (Flue-cured)—Supplement 1 Part II]

PART 727—FLUE-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1942-43

Pursuant to the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938, as amended, public notice is hereby given of this Supplement 1 to Part II of the Marketing Quota Regulations, Flue-cured Tobacco—1942-43 Marketing Year (Tobacco 603 Flue-cured, as issued by the Secretary of Agriculture on November 12, 1941), which regulations and supplement 1 thereto shall be in force and effect until rescinded or suspended or amended or superseded by regulations hereafter made under said Act.

Section 727.428 of Tobacco 603 Flue-cured, Part II, Marketing Quota Regulations, Flue-cured Tobacco, 1942-43 Marketing Year, is amended by adding at the end thereof the following paragraph:

(d) By payment to the county office by certified check, cashier's check, or money order drawn payable to the Treasurer of the United States of an amount equal to 10 cents per pound times the estimated actual production of the excess acreage of tobacco harvested from the farm. Any additional amount of penalty due after the actual yield for the farm has been determined shall be paid by the operator not later than 20 days after receipt of notice of such additional penalty from the county office. This paragraph d shall apply only in the event that the acreage harvested in excess of the allotment does not exceed the larger of two-tenths acre or 10 percent of the farm acreage allotment.

(54 Stat. 393; 7 U.S.C. 1940 ed. 1314 (c))

Done at Washington D. C. this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8420; Filed, August 28, 1942;
11:47 a. m.]

Chapter IX—Agricultural Marketing Administration

PART 963—HOPS GROWN IN THE STATES OF OREGON, CALIFORNIA, WASHINGTON, AND IDAHO AND THE PRODUCTS PRODUCED FROM SUCH HOPS

Order regulating (1) the handling of hops grown in the States of Oregon, California, Washington, and Idaho and (2) the handling of hop products produced from such hops.

Sec.
963.1 Findings.
963.2 Order relative to handling.

Sec.
963.3 Definitions.
963.4 Control Board.
963.5 Growers Allocation Committee.
963.6 Growers Advisory Committees.
963.7 Limitation of total quantity to be handled.
963.8 Apportionment of salable quantity among producers.
963.9 Allotments for handlers.
963.10 Certification of hops and hop products.
963.11 Limitation of handling to certificated hops or hop products.
963.12 Expenses and assessments.
963.13 Compliance.
963.14 Reports, books, and records.
963.15 Amendments.
963.16 Agents.
963.17 Effective time and termination.
963.18 Duration of immunities.
963.19 Separability.
963.20 Derogation.
963.21 Right of Secretary.
963.22 Liability of Control Board Members.
963.23 Effect of termination or amendment.

AUTHORITY: §§ 963.1 to 963.23, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246, 52 Stat. 215, 53 Stat. 784, Public Law No. 445, 77th Congress; 7 U.S.C. 1940 ed., 601 et seq.

It is provided in Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities, including hops and the products thereof, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

The Assistant to the Secretary, having reason to believe that the execution of the marketing agreement and the issuance of an order would tend to effectuate the declared policy of the act with respect to the establishment and maintenance of such orderly marketing conditions for (1) hops grown in the States of Oregon, California, Washington, and Idaho and (2) the products from such hops as would establish prices to the producers of such hops and the hop products produced from such hops at a level that would give such hops and hop products a purchasing power, with respect to articles that the producers thereof buy, equivalent to the purchasing power of such hops and hop products during the base period, August 1909 to July 1914, gave notice on May 11, 1942, of a public hearing to be held in Yakima, Washington, on May 28, 1942, in Salem, Oregon, on June 1, 1942, and in Santa Rosa, California, on June 5, 1942, on a proposed marketing agreement and a proposed order regulating such handling of such hops and the products thereof as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce;

and the aforesaid hearing was held in Yakima, Washington, on May 28 and 29, 1942, in Salem, Oregon, on June 1 and 2, 1942, and in Santa Rosa, California, on June 5 and 6, 1942.

On the basis of the evidence introduced at the aforesaid hearing and the record thereof, it is hereby found that:

§ 963.1 *Findings.* (a) The terms and provisions of this order prescribe, so far as practicable, such different terms, applicable to different production areas, as are necessary in order to give due recognition to the difference in production and marketing of such hops and the products thereof;

(b) This order is limited in its application to the smallest original production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of said production area specified herein would not effectively carry out the declared policy of the act;

(c) At the time of the hearing, the prices received by the producers of hops grown in the States of Oregon, California, Washington, and Idaho were at a level that gave such hops a purchasing power, with respect to articles that the producers thereof buy, appreciably below the purchasing power of such hops during the aforesaid base period;

(d) The regulation of the shipments of hops and hop products by proration, as provided in this order, will tend to establish and maintain a more stable market for said hops, and will tend to restore prices to producers of said hops to a level that will have a purchasing power, with respect to articles that producers buy, equivalent to the purchasing power of said hops in the aforesaid base period;

(e) The method of regulating shipments of hops and hop products, respectively, as provided in this order, is fair and equitable;

(f) The method of apportioning the salable quantity among producers, as provided in this order, is fair and equitable;

(g) The basis stated in this order for the contribution of handlers toward the expenses of the administrative agencies, established by this order, is fair and equitable;

(h) This order and all of the terms and provisions of this order will tend to effectuate the declared policy of the act with respect to hops produced in said production area, specified in this order, and the hop products by establishing and maintaining such orderly marketing conditions for said hops and the products thereof as will tend to establish prices to the producers of such hops at a level that will give such hops and hop products a purchasing power, with respect to articles that the producers thereof buy, equivalent to the purchasing power of such hops in the base period, August 1909 to July 1914, and by protecting the interest of the consumer by (1) approaching the level of prices, which it is de-

clared in the act to be the policy of Congress to establish, by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demands in domestic and foreign markets, and (2) by authorizing no action which has for its purpose the maintenance of prices to producers of such hops above the level which it is declared in the act to be the policy of Congress to establish.

It is further found that:

(i) The marketing agreement, drafted subsequent to, and upon the basis of the evidence adduced at, the aforesaid hearing, regulating (1) the handling of hops grown in the States of Oregon, California, Washington, and Idaho, and (2) the handling of hop products produced from such hops, tentatively approved by the Secretary on August 5, 1942, was signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the commodity or product thereof covered by this order) who, during the marketing season, August 1, 1941, to July 31, 1942, both dates inclusive, handled not less than fifty (50) percent of the volume of such commodity or product thereof covered by this order;

(j) This order regulates the handling of such hops and hop products in the same manner as the aforesaid marketing agreement, and it is made applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement;

(k) The issuance of this order is approved or favored by at least two-thirds ($\frac{2}{3}$) of the producers who participated in the referendum, conducted by the Secretary, and who, during the representative period determined by the Secretary, were engaged, within the production area specified herein, in the production for market of the commodity specified herein; and

(l) The issuance of this order is approved or favored by producers who participated in the referendum, conducted by the Secretary, and who, during the representative period determined by the Secretary, produced for market, within the production area specified herein, at least two-thirds ($\frac{2}{3}$) of the volume of such commodity produced for market, within the production area specified herein.

It is therefore ordered, That,

§ 963.2 *Order relative to handling.* Such handling of hops grown in the States of Oregon, California, Washington, and Idaho and hop products produced from such hops as is in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce, shall, from and after the time hereinafter specified, be in conformity to and in compliance with the terms and conditions of this order.

§ 963.3 *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to perform the duties of the Secretary under the act.

(b) "Act" means Public Act No. 10, 73d Congress, approved on May 12, 1933 (48 Stat. 31), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), approved on June 3, 1937, as amended as of the effective date hereof.

(c) "Area" means and includes the States of Oregon, California, Washington, and Idaho.

(d) "Person" means an individual, partnership, corporation, association, legal representative, or any other business unit.

(e) "Hops" means the pistillate cones, either in green or dried state, of the vine *Humulus lupulus* or *Humulus americanus* grown in the area.

(f) "Hop product" means any substance (1) derived wholly or in part from hops and (2) capable of use for any purpose for which hops may be used, including, but not being limited to, any form of lupulin, lupulin sweepings, hop oil, or hop extract.

(g) "Grower" is synonymous with "producer" and means any person engaged in growing hops for market.

(h) "Dealer" means any person, other than a grower or brewer, who handles hops or hop products.

(i) "Grower-dealer" means any grower, other than a brewer, who handles for his or its own account any hops, other than those of his or its own production: *Provided*, That handling transactions pursuant to § 963.11 (b) hereof shall not be within this definition.

(j) "Brewer" means any person who uses hops or any hop product in manufacturing any malt beverage.

(k) "To handle" means (1) to market, sell, ship, or transport to or for market (except as a common carrier of hops or hop products owned by another person) hops or any hop product in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce, or (2) to purchase, take consignment of, accept delivery of in connection with a purchase or sale (except as a common carrier of hops or hop products owned by another person), or otherwise acquire, within the area, hops or any hop product, from a grower or any other person, in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce.

(l) "Handler" means any person who, as or through a principal, agent, broker, representative, or otherwise, handles hops or any hop product.

(m) "Control Board" means the Control Board provided for in § 963.4 hereof.

(n) "Growers Allocation Committee" means the Growers Allocation Committee provided for in § 963.5 hereof.

(o) "Advisory Committee" means a committee established pursuant to § 963.6 hereof.

(p) "Managing Agent" means the Managing Agent selected pursuant to § 963.4 (g) (8) hereof.

(q) "Order No. 28"¹ means the order regulating the handling of hops grown in the States of Oregon, California, and Washington, issued by the Secretary on August 11, 1938, and effective on and after August 15, 1938.

(r) "Order No. 49"² means the order regulating the handling of hops grown in the States of Oregon, California, and Washington, issued by the Secretary on August 1, 1940, and effective on and after August 5, 1940.

(s) "Marketing season" means the period of time beginning on August 1 of each year and ending on July 31 of the following year, both dates inclusive.

§ 963.4 *Control Board*—(a) *Establishment and designation of Control Board*. A Control Board, consisting of sixteen members, is hereby established to administer the terms and provisions hereof. The original members and their respective alternates shall be as follows:

Grower Members

(1) W. H. Anderson, Eugene, Oregon, as member, and his alternate is Romeo Gouley, Brooks, Oregon, to represent the growers of hops in, and residents of, the State of Oregon;

(2) William Krebs, Jefferson, Oregon, as member, and his alternate is D. P. MacCarthy, Independence, Oregon, to represent the growers of hops in, and residents of, the State of Oregon;

(3) Warran Brown, Ukiah, California, as member, and his alternate is L. M. Hildreth, Ukiah, California, to represent the growers of hops in, and residents of, the State of California.

(4) P. M. Rooney, Sacramento, California, as member, and his alternate is George Beitzel, Elk Grove, California, to represent the growers of hops in, and residents of, the State of California;

(5) Amos Brulotte, Grandview, Washington, as member, and his alternate is A. J. Toupin, Moxee City, Washington, to represent the growers of hops in, and residents of, the States of Washington and Idaho;

(6) J. D. McKelheer, Yakima, Washington, as member, and his alternate is W. H. Hill, Route 5, Yakima, Washington, to represent the growers of hops in, and residents of, the States of Washington and Idaho;

(7) Dean H. Walker, Independence, Oregon, as member, and his alternate is John D. Minto, Salem, Oregon, to represent the growers of hops in, and residents of, the area;

(8) E. H. Peterson, Santa Rosa, California, as member, and his alternate is I. D. Wood, Santa Rosa, California, to represent the growers of hops in, and residents of, the area;

Grower-Dealer Members

(9) Ralph Williams, Jr., Portland, Oregon, as member, and his alternate is James R. Linn, Salem, Oregon, to represent the grower-dealers having principal offices in the area;

(10) John I. Haas, Metropolitan Bank Building, Washington, D. C., as member and his alternate is L. E. Kreider, Yakima, Washington, to represent grower-dealers having principal offices outside of the area;

Brewer Members

(11) Irving J. Solomon, Chicago, Illinois, as member, and his alternate is Peter G. Schmidt, Olympia, Washington, to represent the brewers;

(12) Harris Perlstein, Chicago, Illinois, as member, and his alternate is William Bruckmann, Cincinnati, Ohio, to represent the brewers;

(13) Karl F. Schuster, San Francisco, California, as member, and his alternate is Alvin C. Gluek, Minneapolis, Minnesota, to represent the brewers;

(14) G. L. Becker, Ogden, Utah, as member, and his alternate is Charles J. Lick, Los Angeles, California, to represent the brewers;

Dealer Members

(15) Ludwig S. Lyon, 535 Fifth Avenue, New York City, New York, as member, and his alternate is Franz Bing, 150 Nassau Street, New York City, New York, to represent the dealers;

(16) Robert Oppenheim, 33 Water Street, New York City, New York, as member, and his alternate is Al Seidenberg, 493 Nostrand Avenue, Brooklyn, New York, to represent the dealers.

Each of the aforesaid members and his respective alternate shall serve for a term ending on March 1, 1944, and in the event that the respective person's successor has not been selected and has not qualified by March 1, 1944, such person shall serve until his successor has been selected and has qualified.

(b) *Nomination and selection of succeeding members*. (1) The members and alternates of the Control Board to succeed those selected for the aforesaid term ending on March 1, 1944, shall be selected in accordance with the provisions of this section, and shall serve thereafter for a term ending at the time of the termination hereof. Eight members of the Control Board shall represent growers of hops. Two members of the Control Board shall represent grower-dealers. Two members of the Control Board shall represent dealers. Four members of the Control Board shall represent brewers. The grower representatives on the Control Board, selected subsequent to the initial members, shall be growers of hops who are not grower-dealers; and two of the grower members of the board shall be growers of hops in and residents of the State of Oregon, and two grower members of the board shall be growers of hops in and residents of the State of California, and two of the grower members of the board shall be growers of hops in and residents of the States of Washington or Idaho, and two of the grower members of the board shall be growers of hops in and residents of any of the States in the area. One of the grower-dealer members on the Con-

trol Board shall be a grower-dealer having his or its principal office in the area; and the other grower-dealer member of the board shall be a grower-dealer having his or its principal office outside of the area. Each of the four brewer members on the Control Board shall be a brewer. Each of the two dealer members on the Control Board shall be a dealer in hops. An officer, agent, or employee of a business unit which is not an individual person but which constitutes a grower, grower-dealer, dealer, or brewer shall be eligible for membership or alternate membership on the Control Board in the respective classification to which such business unit belongs pursuant to the provisions hereof.

(2) Each of the State Advisory Committees, established pursuant to § 963.6 hereof, shall designate, and submit to the Secretary the names of, two qualified persons as grower members, and two qualified persons as their alternates, from the State or States represented by the respective committee; and the Secretary shall select, from among such nominees or from among other qualified persons, six grower members and their respective alternates. The six grower members thus selected by the Secretary shall designate and submit to the Secretary the names of, two qualified persons to serve as additional grower members of the Control Board, and two qualified persons to serve as their alternates; and the Secretary shall select, from among such nominees or from among other qualified persons, two grower members of the Control Board and their respective alternates.

(3) The grower-dealers whose principal offices, respectively, are within the area shall nominate to the Secretary, by means of an election in which all and only such grower-dealers shall be entitled to participate, one qualified person as the grower-dealer member in the area, and one qualified person as his alternate. The Secretary shall select such grower-dealer member of the Control Board and his alternate from among such nominees or from among other qualified persons.

(4) The grower-dealers, whose principal offices, respectively, are outside the area, and all dealers shall nominate to the Secretary, by means of an election in which all and only such grower-dealers and all dealers shall be entitled to participate, one qualified person as the grower-dealer member outside the area, and one qualified person as his alternate, and two qualified persons as the dealer members, and two qualified persons as their alternates. The Secretary shall select such grower-dealer member of the Control Board and his alternate, and such dealer members of the Control Board and their alternates, from among such nominees or from among other qualified persons.

(5) The brewers shall nominate to the Secretary, by means of an election in which all and only brewers shall be entitled to participate, four qualified persons as the brewer members, and four qualified persons as their alternates. The Secretary shall select such brewer members of the Control Board and their

¹ 3 F.R. 1979.

² 5 F.R. 2729.

alternates from among such nominees or from among other qualified persons.

(6) Each election for the purpose of nominating members or alternates of the Control Board to succeed those whose terms of office expire on March 1, 1944, shall be held on or before February 15, 1944, and shall be conducted and supervised by the Control Board. Regulations prescribing the method or methods for, and the rules governing, the election of nominees as hereinbefore provided, and which shall assure to all persons eligible to take part in such elections reasonable opportunity to select candidates and to vote for nominees, shall be adopted by the Control Board and submitted to the Secretary on or before December 1, 1943; and such regulations as shall be approved by the Secretary shall govern each such election.

(7) In the event any of the groups entitled hereunder to submit nominees to the Secretary shall fail to do so within twenty days after the time hereinbefore specified, the Secretary may select each such member or alternate without waiting for a nominee or nominees to be elected.

(8) Each person selected as a member or alternate of the Control Board, including those designated herein as the original members and alternates, shall promptly qualify by filing with the Secretary a written acceptance of the appointment. The failure of an appointee to qualify within twenty days after the appointment of such person shall be cause for the Secretary to appoint another person in his stead.

(c) *Alternates.* (1) There shall be an alternate for each member of the Control Board. Each alternate shall be of the same qualifications, be nominated and selected in the same manner, and hold office for the same term, as the member for whom he is alternate. An alternate for a member of the Control Board shall, in the event of that member's absence, act in the place and stead of that member; and, in the event of such member's removal, resignation, disqualification, or death, the alternate for such member shall act in the place and stead of said member until a successor for the unexpired term of said member has been selected.

(2) In the event any member of the Control Board and his alternate are both unable or fail to attend a meeting of the Control Board, any alternate for any other member nominated by the same group that nominated the absent member may be designated by the absent member to serve in the place and stead of the absent member and his alternate; and in the event such other alternate cannot attend, or there is no such other alternate, then the absent member, or in the event of his disability or a vacancy, his alternate, may designate, subject to the approval of the Secretary, a temporary substitute to attend such meeting with the power to act in the place and stead of that member, or pending such designation the Secretary may designate such temporary substitute.

(d) *Vacancies.* To fill any vacancy which occurs prior to March 1, 1944, oc-

casioned by the failure of any person, selected as a member of the Control Board or as an alternate member thereof, to qualify, or the death, removal, resignation, or disqualification of any qualified member or alternate member of the Control Board, a successor for his unexpired term of office shall be nominated and selected in the manner herein specified for the nomination and selection of successors to the initial members and alternate members of the Control Board representing the same industry group as was represented by the respective member or alternate member thus to be succeeded. In the event such nomination for such vacancy is not made within twenty days after the beginning of the vacancy, the Secretary may select a person to fill such vacancy without waiting for the nomination to be made.

(e) *Compensation.* The members of the Control Board, and their respective alternates, shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their respective duties.

(f) *Powers.* The Control Board shall have the following powers:

(1) To administer, as herein specifically provided, the terms and provisions hereof;

(2) To make administrative rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violations hereof; and

(4) To recommend to the Secretary amendments hereto.

(g) *Duties.* The duties of the Control Board shall be as follows:

(1) To act as intermediary between the Secretary and any grower or handler;

(2) To keep minutes, books, and records which will clearly reflect all of its acts and transactions, and which shall be subject at any time to examination by the Secretary or his designated representative;

(3) To provide, subject to approval by the Secretary, for the making of scientific and other studies, to conduct research, and to assemble data, on the growing, handling, shipping, and marketing conditions relative to hops and hop products;

(4) To furnish to the Secretary at his request such information as may be available to the Control Board;

(5) To perform such duties as may be assigned to it from time to time by the Secretary in connection with the administration of Section 32 of the Act to Amend the Agricultural Adjustment Act, and for other purposes, Public Act No. 320, 74th Congress, approved August 24, 1935, as amended;

(6) To submit to the Secretary from time to time a budget of expenses, including but not being limited to the expenses of the Growers Allocation Committee and of the Advisory Committees; and to report from time to time to the Secretary expenditures made by the Control Board;

(7) To cause the books of the Control Board to be audited by one or more com-

petent accountants at least once each fiscal year and at such other times as the Control Board may deem necessary, or as the Secretary may request, and to file with the Secretary a copy of each audit report made;

(8) To employ a Managing Agent who, during his employment as such, shall not be a grower, dealer, grower-dealer, or brewer, nor in the employment thereof, and who shall serve as the secretary of the Control Board and the secretary of the Growers Allocation Committee, and shall have such other duties as are specified for him herein or by the Control Board; and to employ or retain such other employees, agents, and representatives as the Control Board may deem necessary; and to determine the salaries and define the duties of such Managing Agent, employees, agents and representatives;

(9) To give to the Secretary, or his designated representative, the same notice of meetings of the Control Board as is given to the members of the Control Board; and

(10) To defend (i) all legal proceedings against any member or alternate member (individually or as a member or alternate), officer, representative, employee, or agent of the Control Board arising out of any act or commission done or made in good faith pursuant to the provisions hereof, or (ii) any legal proceeding to enjoin or compel action by the Control Board, or the members thereof, under the provisions hereof.

(h) *Procedure.* (1) The Control Board shall adopt rules and regulations governing its procedure and the performance of its duties and powers hereunder, and shall select a chairman and such other officers as it may deem advisable.

(2) The Control Board shall not exercise any of its powers or duties hereunder while there are more than six vacancies in its membership, not inclusive of alternates. A quorum shall consist of eleven members, or alternate members or substitutes then serving in the place and stead of any members, in attendance at the meeting, and all decisions of the Control Board shall be made by not less than nine affirmative votes.

(3) The Control Board may provide for voting by mail or other means of communication upon due notice to all members; any member voting other than by mail or in person at an assembled meeting shall promptly thereafter confirm in writing his vote so cast.

(i) *Funds and other property.* (1) All funds received by the Control Board pursuant hereto shall be used solely for the purposes specified herein, and the Secretary may require the Control Board and its members to account for all receipts and disbursements.

(2) Whenever any person ceases to be a member or alternate member of the Control Board, such person shall account for all receipts and disbursements hereunder and deliver all property, funds, books, and records (in his possession) of the Control Board, to his successor in office or to such person as the Secretary may designate and shall execute such

assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all of the property, funds or claims vested in such member.

(3) The Control Board, with the approval of the Secretary, may maintain in its own name, or in the names of its members, legal action against any handler for the collection of that handler's pro rata share of expenses which may be due hereunder.

§ 963.5 *Growers Allocation Committee*—(a) *Members*. The grower members and the grower-dealer members of the Control Board shall constitute the "Growers Allocation Committee". Said committee shall have such duties and powers as are expressly specified herein for that committee and such other duties and powers as may be incident thereto. The Growers Allocation Committee may incur only such expenses as from time to time are authorized by the Control Board.

(b) *Procedure*. The Growers Allocation Committee shall select one of its members as its chairman and such other officer as it may deem advisable. It shall keep proper records of all its proceedings, and shall adopt regulations governing its procedure. It may provide for voting by mail or other means of communication upon due notice to all members. Any member voting other than by mail or in person at an assembled meeting shall promptly thereafter confirm in writing his vote so cast.

(c) *Alternates*. The alternate of each grower member or grower-dealer member of the Control Board shall have the same right to serve in lieu of a member of the Growers Allocation Committee as such alternate has to serve in lieu of a member of the Control Board.

§ 963.6 *Growers Advisory Committees*—(a) *Membership*. (1) A Growers Advisory Committee of twelve members is hereby established for each of the States of Oregon and California, and of thirteen members for the combined States of Washington and Idaho. Each of said committees shall consist of members who shall be growers or grower-dealers, or officers or employees of growers or grower-dealers, engaged in growing hops in and shall be residents of the State or States for which the respective committee is established; one of the members of the Advisory Committee for the States of Washington and Idaho shall be a grower, or an officer or employee thereof, engaged in growing hops in and a resident of the State of Idaho.

(2) The initial members of said Growers Advisory Committees shall be as follows:

(i) Oregon Advisory Committee:

Name and Address

C. H. Eismann, Rt. 2, Grants Pass, Oreg.; L. S. Christofferson, Box 366, Eugene, Oreg.; William Krebs, Jefferson, Oreg.; D. P. MacCarthy, Independence, Oreg.; W. L. Fry, Silverton, Oreg.; Romeo Gouley, Route 1, Brooks, Oreg.; P. H. Hughes, Dallas, Oreg.; Drexel White, Route 2, Woodburn, Oreg.; Louie Schwabauer, Hubbard, Oreg.; Ray Kerr, St. Paul, Oreg.; Ferd Hartwick, Banks,

Oreg.; Hobart M. Mitchell, 269 SE Morrison St., Portland, Oreg.

(ii) California Advisory Committee:

Name and Address

Mrs. Bertha Poe, 5725 "J" St., Sacramento, Calif.; George Beitzel, Rt. 2, Box 2198, Elk Grove, Calif.; P. M. Rooney, 1332 43rd Street, Sacramento, Calif.; Fred L. King, 2664 6th Avenue, Sacramento, Calif.; E. H. Peterson, 921 Wright Street, Santa Rosa, Calif.; I. D. Wood, 280 Brittain Lane, Santa Rosa, Calif.; E. S. Ballard, Rt. 1, Box 356, Healdsburg, Calif.; Thom. J. Grace, 2nd and Wilson Street, Santa Rosa, Calif.; L. M. Hildreth, Ukiah, Calif.; Warren Brown, Ukiah, Calif.; Alex R. Thomas, Ukiah, Calif.; C. H. Smith, Redwood Valley, Calif.

(iii) Washington-Idaho Advisory Committee:

Name and Address

Paul Patnode, Moxee City, Wash.; A. J. Toupin, Moxee City, Wash.; J. D. McKelheer, Rt. 1, Yakima, Wash.; Amos Brulotte, Rt. 2, Grandview, Wash.; Joe Faucher, Rt. 1, Wapato, Wash.; Clinton Merrill, Harrah, Wash.; Roger W. Batt, Wilder, Idaho; Art Hanses, Rt. 5, Yakima, Wash.; Guy Anderson, Rt. 6, Yakima, Wash.; K. P. Bates, Rt. 5, Yakima, Wash.; Ben Gontier, Rt. 2, Box 269, Puyallup, Wash.; W. H. Coplan, Orting, Wash.; C. W. Van Roy, National Bank of Washington, Tacoma, Wash.

Each of the initial members shall serve for a term ending on February 1, 1944, and in the event that the respective person's successor has not been selected by February 1, 1944, such person shall serve until his successor has been selected.

(3) The successors to the initial members of each Advisory Committee shall be selected on or before February 1, 1944, and shall serve thereafter so long as the provisions hereof are effective. Such selection shall be at an election held, under the supervision of the Managing Agent or his designated representative, by the growers and grower-dealers in each district; and in such election each grower and each grower-dealer residing or producing hops in that district shall have opportunity to participate. No delay in the selection of any member shall invalidate such selection. Said elections shall be conducted by districts, as follows:

(i) The Advisory Committee for the State of Oregon shall delimit that State fairly and equitably into twelve election districts. Growers and grower-dealers who reside or produce hops in any such district shall be entitled to vote for and select for that district one member of the Advisory Committee.

(ii) The Advisory Committee for the State of California shall delimit that State fairly and equitably into three election districts. Growers and grower-dealers who reside or produce hops in any such district shall be entitled to vote for and select for that district four members of the Advisory Committee.

(iii) The Advisory Committee for the States of Washington and Idaho shall delimit those States and equitably into

four election districts, one of which districts shall include all of the State of Idaho and a portion of the State of Washington. Growers and grower-dealers who reside or produce hops in the district which includes the State of Idaho shall be entitled to vote for and select for that district four members of the Advisory Committee, at least one of whom shall be a grower of hops in the State of Idaho; and growers and grower-dealers who reside or produce hops in any of the other districts shall be entitled to vote for and select for that district three members of the Advisory Committee.

(4) At any such election each grower or grower-dealer present shall, on behalf of himself, his agents, partners, affiliates, subsidiaries, and representatives, cast only one vote for each nominee for membership on the aforesaid Advisory Committee. No grower or grower-dealer shall vote in more than one district in any one State. There shall be no voting by proxy. The Control Board shall prescribe and submit to the Secretary rules and regulations governing elections of Advisory Committee members, which shall become effective if not disapproved by the Secretary within twenty days after having been submitted to him.

(5) Each member of an Advisory Committee may designate in writing addressed to the Managing Agent a grower or grower-dealer to act as his alternate at any meeting of the Advisory Committee at which that member is not present; and such alternate must be a resident of the State, and a resident of or grower of hops in the district thereof, represented by the member.

(6) Any vacancy in the membership of an Advisory Committee shall be filled, for the balance of the term of the member whose place is vacant, by a grower or grower-dealer, residing or growing hops in the same district as that represented by the former member, selected by majority vote of the remaining members of that committee.

(7) The members of each Advisory Committee may be reimbursed by the Control Board for all travel and other expenses necessarily incurred in the performance of their duties.

(b) *Functions*. (1) Each Advisory Committee shall promptly nominate to the Secretary a successor to any grower from that State whose term on the Control Board as a member or alternate shall expire or whose place on the Control Board for any reason may become vacant. Grower members of an Advisory Committee, as well as other growers, shall be eligible for nomination by that Advisory Committee to serve on the Control Board.

(2) Each Advisory Committee shall select from its membership a chairman and such other officers as the respective committee may deem advisable, and shall keep proper records of all of its proceedings. It shall hold meetings upon the call of four members, or upon the call of its chairman, or the Control Board, or the Managing Agent. Each Advisory Committee shall serve the Control Board in an advisory capacity con-

cerning the administration hereof in the State or States for which such committee is established, and in general shall perform such functions as the Control Board may, from time to time, specify. Each Advisory Committee may incur only such expenses as are authorized by the Control Board.

§ 963.7 *Limitation of total quantity to be handled*—(a) *Salable quantity of 1942 crop.* In order to effectuate the declared policy of the act, and in consideration of the estimated consumptive demand for hops and hop products, the estimated carryover of hops and hop products, and the estimated quantity of hops which will be produced during the year 1942, the total quantity of hops (expressed in pounds of hops, net dry weight), produced during the year 1942, which, during the effective period hereof, all handlers may handle, in the form of hops or in the form of any hop product, in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce in hops or any product thereof, hereby is limited to 41,000,000 pounds: *Provided*, That nothing contained in this paragraph shall prevent the handling of hops or any hop product pursuant to the provisions of § 963.8 (b) (3) or § 963.8 (d) hereof. The aforesaid quantity of 41,000,000 pounds shall be known, and is referred to hereinafter, as the "salable quantity" of the 1942 crop of hops.

(b) *Recommendation by Control Board for 1943 and 1944.* The total quantity of hops (expressed in pounds of hops, net dry weight) produced during each of the years 1943 and 1944 which, during the effective period hereof, all handlers may handle, in the form of hops or in the form of any hop product, in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce in hops or any product thereof, shall be determined and limited in the manner and to the extent hereinafter provided. As early in the respective year as the Control Board shall find to be feasible, the Control Board shall estimate the total quantity of hops which will be produced during that respective year, and shall ascertain or estimate the total carryover, within the United States, of hops and hop products, produced in or outside the area prior to that year and which, if produced within the area, are eligible for handling pursuant to the terms hereof, and shall estimate the total consumptive demand for hops produced during that respective year. In estimating such consumptive demand, there shall be included the quantity of such hops estimated to be used as hops and the quantity of such hops estimated to be used in the form of hop products. Thereafter, and based upon its aforesaid estimates and findings, the Control Board shall make and transmit to the Secretary its recommendation of the maximum quantity of hops (expressed in pounds of hops, net dry weight), produced during that respective year which should, during the effective

period hereof, in order to effectuate the declared policy of the act, be handled in the form of hops or in the form of any hop product, in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or effect interstate or foreign commerce in hops or any product thereof, and, with such recommendation, shall transmit to the Secretary its estimates and findings on which its recommendation is based.

(c) *Determination of salable quantity of 1943 and 1944 crops.* For the purpose of obtaining additional information pertinent to a determination of the maximum quantity of hops (expressed in pounds of hops, net dry weight) produced during each of the years 1943 and 1944 which, during the effective period hereof, should be handled, in the form of hops or in the form of any hop product, the Secretary each year may hold a meeting or meetings, within the area, after such notice as the Secretary shall deem proper. On the basis of the aforesaid estimates, data, and recommendations of the Control Board submitted pursuant to § 963.7 (b) hereof, and such other pertinent information as the Secretary may have, the Secretary shall determine, fix, and announce such maximum quantity of hops produced during that respective year which, during the effective period hereof, may be handled in the form of hops or in the form of any hop product, in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce in hops or any product thereof, as the Secretary may find to be proper in order to effectuate the declared policy of the act: *Provided*, That nothing contained in this paragraph shall prevent the handling of hops pursuant to the provisions of § 963.8 (b) (3) or § 963.8 (d) hereof. Such maximum quantity of hops which shall be fixed by the Secretary as aforesaid shall be known, and is referred to hereinafter, as the "salable quantity" of that respective year's crop of hops. The quantity of hops produced prior to the year 1942, and of hop products (expressed in pounds of hops, net dry weight) derived from such hops which may be handled, during the effective period hereof, is hereby limited as hereinafter provided.

(d) *Increase of salable quantity.* The Secretary may at any time increase the salable quantity for any year, but the Secretary may not decrease said salable quantity.

§ 963.8 *Apportionment of salable quantity among producers*—(a) *Determination of quantity available for market.* (1) As the basis for apportioning equitably among growers the salable quantity of each year's crop, the Growers Allocation Committee each year, as soon after the beginning of the harvest of that year's crop of hops as the committee shall find to be feasible, shall determine, or cause to be determined under its supervision, the total quantity of hops (expressed in pounds of hops, net dry weight) available for market or estimated will become available for market by each grower from his production of hops dur-

ing that year: *Provided*, That such determination shall include the quantity, if any, of such hops found to have been converted into hop products except that insofar as lupulin sweepings are concerned there shall be included, in the computation, only the pounds of lupulin found to be in such quantity of lupulin sweepings, and, insofar as unharvested hops are concerned, shall include (expressed in pounds of hops, net dry weight) only hops of that respective year's crop grown to maturity and remaining unharvested on the living vines. The Growers Allocation Committee shall adopt and submit to the Secretary reasonable regulations governing the method of making determinations of production pursuant to this paragraph; and such regulations may provide, among other things, that there shall be included in the determination of the quantity of hops grown to maturity and remaining unharvested on the living vines only such hops as are found to be on vines which remain strung or trained and from which hops have not been picked, and which have not been removed from the wires or poles. In the event any grower does not permit the Growers Allocation Committee, or its representatives, access to any hops grown by that grower, or to any product thereof, or shall fail or refuse to make available to said committee, or its representatives, information relative to such hops or hop products which the Growers Allocation Committee finds to be desirable in order properly to make such determination in accordance with the provisions hereof, the Growers Allocation Committee shall determine or cause to be determined, in such manner as said committee shall find to be feasible and proper under the circumstances, the respective grower's production, as aforesaid. After completing its determination of production by each individual grower, the Growers Allocation Committee shall, by means of addition, compute the production by all growers.

(2) The investigation and determination pursuant to § 963.8 (a) (1) hereof for each member or alternate member of the Growers Allocation Committee shall not be made by any member or alternate member of such committee, but such investigation and determination shall be made, and reported in writing to the Secretary and to the Growers Allocation Committee, by such person or persons as the Managing Agent shall designate for that purpose. Any protest by a member or alternate member of the Growers Allocation Committee concerning such determination, by the person or persons thus appointed by the Managing Agent, shall be made directly to, and be determined by, the Secretary.

(3) The Growers Allocation Committee shall cause to be mailed to each grower notice of the determination, pursuant to § 963.8 (a) (1) hereof, of the respective grower's production for the respective year, and, also, the computation of the total quantity determined pursuant to § 963.8 (a) (1) hereof, produced by all growers during that year. The committee shall also publicly announce said total quantity.

(4) The Growers Allocation Committee shall prescribe regulations, subject to modification and approval by the Secretary, which provide a reasonable means whereby any grower who may be dissatisfied with the determination, pursuant to § 963.8 (a) (1) hereof, of his production may protest to that committee, or its representative concerning that determination. In the event of such protest the determination of that quantity as to that grower shall be reconsidered by the Growers Allocation Committee and revised to any such extent as the committee shall find to be proper. Such regulations shall further provide a reasonable means whereby such grower may appeal to the Secretary from the final decision of the Growers Allocation Committee on his protest. The decision of the Secretary on such appeal shall be conclusive.

(5) Upon expiration of such time for protest as may be specified pursuant to § 963.8 (a) (4) hereof, and after completion of action by that committee upon all protests, the Growers Allocation Committee shall report to the Secretary all findings, determinations, and computations made by or for that committee pursuant to § 963.8 (a) hereof, together with the data on which the same were based. On the basis of such findings, determinations, computations, data, and other pertinent information which the Secretary may have, the Secretary shall determine and notify the Growers Allocation Committee of the total quantity of hops (expressed in pounds of hops, net dry weight) available for market or estimated will become available for market by each grower from his production of hops during that year: *Provided*, That such determination shall include the quantity, if any, of such hops found to have been converted into hop products except that insofar as lupulin sweepings are concerned there shall be included, in the computation, only the pounds of lupulin found to be in such quantity of lupulin sweepings, and, insofar as unharvested hops are concerned, shall include (expressed in pounds of hops, net dry weight) only hops of that respective year's crop grown to maturity and remaining unharvested on the living vines. The Secretary, after having determined each grower's production, as aforesaid, shall, by means of addition, determine the production by all growers; and such production by all growers is hereinafter referred to as the "aggregate production" for that respective year. Immediately upon receipt of notice thereof from the Secretary, the Growers Allocation Committee shall publicly announce the aforesaid determination by the Secretary of the aggregate production during that respective year.

(b) *Allocation among growers.* (1) The "salable percentage" of the aggregate production, determined pursuant to § 963.8 (a) (5) hereof, shall be computed by dividing the salable quantity of that year's crop, determined in or pursuant to § 963.7 hereof, by the aforesaid aggregate production. Each grower's allotment of the salable quantity of that year's crop shall be that same salable

percentage applied to that grower's production as determined pursuant to § 963.8 (a) (5) hereof: *Provided, however*, That in any year in which the salable percentage, determined pursuant to this section, exceeds ninety-eight percent, each grower's allotment shall be the total quantity, produced by such grower, determined pursuant to § 963.8 (a) (5) hereof: *Provided further*, That in the event the Growers Allocation Committee shall find and determine, after completion of the harvest of any year's crop, that the total quantity of hops produced, harvested, and dried during that year by all growers (not including hops theretofore destroyed by fire or otherwise) is less than the total salable quantity theretofore fixed for that year's crop pursuant hereto, then the Growers Allocation Committee shall report to the Secretary said determination; and if the Secretary finds that (i) such determination is correct, and (ii) to permit allocation on the basis hereinafter specified will be equitable and fair to all growers and will tend to effectuate the declared policy of the act, the Secretary shall issue an order to the effect that each grower's salable allotment of that year's crop shall be the quantity of hops determined by the Growers Allocation Committee to have been produced, harvested, and dried by that grower during that year, and such salable allotment shall supersede any allotment previously determined and issued to that grower for that year's crop. Each allotment determined hereunder shall be expressed in pounds, net dry weight, of hops and shall be known as the respective grower's "salable allotment" of that respective year's crop.

(2) The Growers Allocation Committee shall mail to each grower notice of his salable allotment computed by that committee as herein provided. A list of the salable allotments of all growers for each year's crop shall be compiled and maintained by the Growers Allocation Committee at its office in each of the States of Oregon, California, and Washington, where the same shall be available during all reasonable hours for inspection by any interested person.

(3) The Control Board shall each year issue or cause to be issued, prior to the issuance of final allotments applicable to that year's crop, to any grower who may apply therefor to the Managing Agent, a preliminary allotment representing such proportion of that grower's total production of hops during that year as the Managing Agent shall determine will be not in excess of eighty percent (or such higher percentage as the Control Board, with the approval of the Secretary, may specify for the computation of preliminary allotments) of that grower's probable salable allotment for that year's crop. Such preliminary allotments shall be issued pursuant and subject to uniform regulations prescribed by the Control Board, subject to approval by the Secretary. After issuance to a grower of such a preliminary allotment, the hops covered thereby, and any hop product derived from such hops, shall be eligible for certification, marking, and

handling, as though the final salable allotment had been issued, and subject to the same terms, conditions, and regulations as are applicable to such certification, marking, and handling of hops and hop products under a final salable allotment.

(c) *Joint allotments.* (1) In the event that more than one grower shall participate jointly in the production of hops, whether as landlord and tenant, as partners, or otherwise, and said growers report that fact to the Managing Agent on forms which shall be prescribed and supplied for that purpose by the Growers Allocation Committee, then a single salable allotment covering such joint production shall accrue to said joint growers. In the event that thereafter the interests of those growers in the crop produced or being produced are segregated, the Managing Agent, upon written application signed by all of said interested growers, shall segregate and distribute said single salable allotment among said growers in accordance with their respective segregated interests in the crop covered thereby as shown by their aforesaid application.

(2) Upon application of any bona fide incorporated cooperative association of growers which engages to market hops or hop products included within the salable allotments of its members, the individual salable allotments of such of the members of that association as join in such application, covering a specific year's crop, shall be pooled and thereafter hops produced by those members (who joined in that application) of that association during that year, and hop products derived from such hops, may be certified and handled by that association, within the aggregate total of all the allotments thus pooled, without regard to the limits of the individual allotments of those members. Any application for such pooling shall be made in writing signed by the duly authorized officers of such association and by each of the growers whose allotment is to be pooled. Such application shall be filed with the Managing Agent prior to determination of the initial salable allotments covering that year's crop.

(d) *Revision of allotments.* (1) In the event the Growers Allocation Committee shall find, at any time, that no determination, pursuant to § 963.8 (a) (5), has been made as to a particular grower entitled thereto pursuant to the provisions hereof, or that a previous determination as to a particular grower was substantially in error, the committee shall make such determination for that grower with regard to the respective grower's production during that respective year, and such determination by the committee shall be in accordance with the specifications and requirements set forth in § 963.8 (a) (1) hereof; and thereupon the committee shall submit such determination, and the findings, computations, data, and other pertinent information which the committee may have with regard to such grower's production, to the Secretary, and the committee shall notify the grower with regard to such determination by the com-

mittee. The grower may protest such determination, and appeal to the Secretary from the committee's decision on such protest; and such protest and appeal shall be in accordance with the provisions of § 963.8 (a) (4) hereof. The Secretary shall determine, and notify the Growers Allocation Committee of, the total quantity of hops (expressed in pounds of hops, net dry weight) available for market or estimated will become available for market by each grower from his production of hops during that year: *Provided*, That such determination shall include the quantity, if any, of such hops found to have been converted into hop products except that insofar as lupulin sweepings are concerned there shall be included, in the computation, only the pounds of lupulin found to be in such quantity of lupulin sweepings, and, insofar as unharvested hops are concerned, shall include (expressed in pounds of hops, net dry weight) only hops of that respective year's crop grown to maturity and remaining unharvested on the living vines.

(2) The Growers Allocation Committee shall adopt rules and regulations, subject to approval by the Secretary, whereby any grower who may be dissatisfied with the determination by said committee, acting pursuant to § 963.8 (b) (1) hereof, and the Secretary's order issued pursuant thereto, with regard to the quantity of hops produced, harvested, and dried by such grower from his crop of hops during that year, may protest to the Growers Allocation Committee with regard to such determination; and thereupon the Growers Allocation Committee shall reconsider its former determination of the quantity of hops produced, harvested, and dried by such grower, and the Growers Allocation Committee shall revise such determination to such extent as said committee may find to be necessary in order to state correctly the quantity of hops produced, harvested, and dried by such grower from his production during that year, and shall inform the respective grower of the decision of the Growers Allocation Committee with respect to such protest. The aforesaid rules and regulations shall also provide a reasonable means whereby any grower dissatisfied with the decision of the Growers Allocation Committee on a protest filed by the respective grower, may appeal to the Secretary; and the decision of the Secretary on such appeal shall be conclusive. Such grower shall be entitled to a salable allotment for the amount stated in the decision by the Growers Allocation Committee, if such grower does not appeal therefrom; and in the event of an appeal, the grower shall be entitled to an allotment for the amount stated in the decision by the Secretary.

(3) In the event the Growers Allocation Committee or the Managing Agent shall find, at any time, that the salable allotment previously issued to a grower was incorrectly computed or is erroneous by reason of mathematical or clerical error, the Growers Allocation Committee or the Managing Agent shall correct and revise said allotment to the extent found to be proper, and shall notify the respective grower and the Secretary of such correction.

(4) Whenever there is mailed to a grower the notice of correction, by the committee or the Managing Agent, of the determination of production available for market by, or the salable allotment of, that grower, as hereinbefore provided in this paragraph regarding the revision of allotments, any previously issued salable allotment of that grower for the respective crop shall automatically be suspended to the extent that it may exceed allotment as thus corrected, and to the extent that hops or hop products shall not already have been certificated and handled under the previous allotment. Any corrected salable allotment issued pursuant to this paragraph regarding the revision of allotments shall supersede any salable allotment previously issued to the respective grower with regard to the crop of hops produced during that year.

§ 963.9 *Allotments for handlers.* The allotted quantity of hops of each year's crop which any handler may handle, in the form of hops or in the form of any hop product, is hereby fixed for that handler as the quantity which is apportioned to each respective grower of hops under § 963.8 hereof, and certificated under § 963.10 hereof, as that grower's salable allotment of that year's crop, and is limited as herein provided.

§ 963.10 *Certification of hops and hop products.* (a) Each grower for whom a salable allotment is determined and issued pursuant hereto shall be entitled, upon application to the Control Board or its representative, to have a quantity of hops of the crop to which that allotment relates, produced by that grower, or acquired by that grower pursuant to § 963.11 (b) hereof, and a quantity of hop products derived from those hops, certificated, to the extent of that salable allotment, as being covered by and within the limits of such allotment. Such certification shall consist of the marking or tagging of each bale or other container of such hops or hop products by an authorized representative of the Control Board pursuant to applicable regulations of the Board.

(b) The Control Board shall promulgate, with the approval of the Secretary, regulations which shall prescribe means and methods of marking or tagging each bale or other container of hops, the grower of which (or the grower who has acquired such hops pursuant to the provisions of § 963.11 (b)), shall make application to the Control Board for certification of such hops and hop products as being covered by and within that grower's salable allotment. Such regulations shall also prescribe means and methods of marking or tagging each container of any hop product if the Control Board or its duly authorized representative finds such hop product or hop products to have been derived from hops which had been certificated as aforesaid, or which had been duly certificated pursuant to the provisions of Order No. 28 or Order No. 49, or derived from hops which were entitled to be certificated as within the applicable salable allotment of the grower of those hops, or derived from hops certificated pursuant to § 963.10 (c) hereof. Such regulations may provide for the issuance and delivery of

a "handling certificate" to each grower and handler for whom hops or hop products are duly certificated pursuant to this section, which certificate shall be in the nature of a certificate by an authorized representative of the Control Board that pursuant to the provisions hereof a specified quantity of hops or hop products has been duly certificated, for the grower and the handler named in said certificate, as being eligible for handling pursuant to the terms hereof.

(c) Any person who owns or is in possession of any hops grown in the State of Idaho prior to the year 1942, or any hop product produced from hops grown in the area, defined in § 963.3 hereof, prior to the effective date hereof, shall be entitled upon application to the Control Board, or its representatives, to have all of said hops and hop products, respectively, certificated by an authorized representative of the Control Board: *Provided*, That application for such certification shall be made and delivered to the Control Board within thirty days after the effective date hereof, or within such other time as the Control Board, with the approval of the Secretary, may specify. Such certification shall be by means of marking or tagging each bale or container of such hops or hop products in such manner as shall be prescribed by regulations of the Control Board approved by the Secretary. No assessment shall be payable in connection with such certification.

(d) The Control Board shall maintain a correct and complete record of all hops and hop products certificated, and of all handling certificates issued, pursuant to this section. The Control Board shall also maintain a correct and complete record of the salable allotment of each grower and the unused balance thereof under the provisions hereof, and under the provisions of Order No. 28 and Order No. 49, respectively.

(e) Certification of any hop product produced subsequent to the effective date hereof shall be charged against the applicable salable allotment of the grower of the hops from which the hop product was processed, and against the allotment of the handler of such hop product, unless it shall be found and determined by the Control Board's representative that (1) such hops had previously been certificated as provided in this § 963.10, or (2) if such hops produced prior to the year 1942, such hops had been duly certificated or were entitled to be certificated under Order No. 28 or Order No. 49. Such charge or deduction shall be at such uniform conversion ratio or ratios between hops and the respective hop products (expressed in pounds of hops, net dry weight) as the Control Board shall determine, subject to approval by the Secretary; and such conversion ratio or ratios thus approved by the Secretary shall be promptly announced by the Control Board, or its representatives, so as to bring such conversion ratio or ratios to the attention of the interested persons. Any hop product produced subsequent to the effective date hereof shall be certificated only in the event such is within the respective grower's salable allotment and such hop product is derived from hops duly certificated pursuant hereto, or en-

titled to be certificated pursuant hereto or certificated pursuant to Order No. 28 or Order No. 49, respectively, or entitled to be certificated thereunder.

(f) The Control Board may promulgate, with the approval of the Secretary, regulations which prescribe means and methods of marking or tagging every bale or other container of hops or any hop product not as yet certificated pursuant to this section, and may require reports from time to time as to the disposition or location of such uncertificated hops or hop products.

§ 963.11 *Limitation of handling to certificated hops or hop products.* (a) No person, as principal, agent, broker, legal representative, or otherwise, shall handle any hops or hop products unless: (1) prior to such handling, if the hops were produced in 1942 or a subsequent year, there shall have been duly issued pursuant hereto a salable allotment or preliminary allotment, as herein provided, applicable to all such hops handled and applicable to the hops, if produced in 1942 or a subsequent year, from which the particular hop product handled was derived; (2) prior to such handling such hops, if produced in the State of Idaho prior to the year 1942, shall have been duly certificated pursuant to § 963.10 hereof; (3) prior to such handling such hop product, if produced prior to the effective date hereof, shall have been duly certificated pursuant to § 963.10 hereof; (4) such hops, if produced prior to the year 1942 in the States of Oregon, California, or Washington, are covered by an allotment certificate or certificates duly issued pursuant to Order No. 28 or Order No. 49; (5) each bale or other container of said hops or hop products shall have been duly marked or tagged in such manner as the Control Board may, by regulations duly adopted by the Control Board and approved by the Secretary, have prescribed for the purpose of identifying such hops or hop products as being covered by a duly issued salable allotment or as being properly certificated, but such hops, if produced prior to the year 1942, shall have been duly marked or tagged in such manner as prescribed by regulations made effective pursuant to Order No. 28 and Order No. 49, respectively; and (6) the respective handler shall have complied with the regulations, effective pursuant hereto, relative to such handler's allotment covering such hops or hop products, and the identification and marking thereof.

(b) In the event hops produced in 1942, or any subsequent year, whether harvested or unharvested, in the control of the respective grower thereof, are destroyed, or are so damaged or deteriorated as in the judgment of the grower to be unmarketable, or if because of quality or type such hops are unsatisfactory to the grower, the grower thereof may, if the lupulin has not been removed from such hops, replace such hops, within the limits of his salable allotment for that respective year, by acquiring uncertificated hops of that year's crop from the growers thereof: *Provided*, That such purchasing grower shall first submit a written statement to the Managing Agent

setting forth the year of production, location, and the quantity of hops which such grower desires so to replace (and, if the hops to be replaced have been destroyed, the time, place, and cause of such destruction, together with proof of such destruction satisfactory to the Managing Agent), and the name and address of each grower from whom he proposes to acquire uncertificated hops for that purpose, and makes proper arrangements with the Managing Agent whereby the unmarketable or unsatisfactory hops which are thus to be replaced will be effectively diverted from or disposed of out of the normal channels of trade, and such disposal or diversion shall be in such manner as may be prescribed by uniform regulations of the Control Board approved by the Secretary: *Provided*, That such hops shall not be diverted or disposed of into hop products, as defined in § 963.3 hereof. Any grower duly acquiring uncertificated hops in accordance with the foregoing shall be entitled to have such hops, and hop products derived therefrom, certificated; and such hops or hop products so certificated may be handled under and within the limit of that grower's own salable allotment which was applicable to the hops thus duly replaced. The Managing Agent shall prepare, and from time to time shall revise, a list of the names and addresses of growers known to have uncertificated hops for sale pursuant to the provisions of this paragraph; and a list of the names and addresses of growers who report to the Managing Agent that they desire to purchase or acquire uncertificated hops pursuant to this paragraph. The Managing Agent shall make such lists available at each office of the Control Board in Oregon, California, and Washington to any grower of hops.

§ 963.12 *Expenses and assessments.* (a) *Expenses.* The Control Board is authorized to incur such expenses as the Secretary finds, from time to time, may be necessary in order to enable the Control Board, the Growers Allocation Committee, and the Advisory Committees, to perform their functions in accordance with the provisions hereof. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in this section.

(b) *Assessments.* (1) Each handler shall pay to the Control Board the assessment provided hereinafter with respect to all hops and hop products which are handled or to be handled by that handler as the first handler thereof, except (i) such hops or hop products as are duly certificated pursuant to § 963.10 (c) hereof, and (ii) such hop products as have been derived from duly certificated hops with respect to which such assessment previously had been paid: *Provided, however*, That any grower who markets or transports to market within the State of production hops produced by that grower, or any hop product produced by that grower from hops produced by that grower, shall not be deemed to be the first handler thereof insofar only as payment of assessments pursuant to the provisions of this paragraph may be concerned. Said assessment shall be paid to the Control Board prior to or at the

time of such handling, or at such subsequent time as the Control Board may specify.

(2) Beginning with the effective date hereof, the aforesaid assessment shall be at the rate of one-fourth of one cent per pound, net dry weight, of hops handled, and said rate shall continue in effect until changed by the Control Board with the approval of the Secretary; and the assessment rate on any hop product shall be based upon the assessment rate for hops, and shall be computed at such conversion ratio or ratios between hops and the respective hop product as determined pursuant to § 963.10 (e) hereof: *Provided, however*, That the Secretary shall not approve any assessment rate for hops exceeding two-fifths of one cent per pound unless he shall have held, prior thereto and subsequent to such notice as he may deem proper, a meeting or meetings within the production area covered hereby for the specific purpose of obtaining information with respect to such assessment rate. The Secretary shall reduce the assessment rate if the Secretary finds that the assessment rate when thus reduced will provide an amount of money sufficient to enable the Control Board and other committees properly to perform their respective functions hereunder. Any change in the assessment rate shall not apply retroactively. A grower who pursuant to § 963.11 (b) hereof acquires uncertificated hops from the grower thereof shall not, by reason of such acquisition, or the marketing or transportation of said hops within the State of production, be deemed to be the first handler of those hops within the provisions of this paragraph. In the event any grower who handles hops or any hop product is not covered by this section as the first handler thereof, then the person who handles any of such hops or any hop product next following such handling thereof by said grower shall constitute the first handler thereof within the provisions of this section.

(c) *Liquidation of net assets.* Upon the termination hereof the net assets of the Control Board shall be liquidated and disbursed pursuant to § 963.17 hereof.

(d) *Funds to be used to pay expenses.* From the funds acquired pursuant to this section, the Control Board shall pay the salaries of the employees, agents, and representatives thereof; and, also, pay the expenses necessarily incurred in the performance of the functions or duties or exercise of the powers of the Control Board, Growers Allocation Committee, and Advisory Committee, respectively.

§ 963.13 *Compliance.* Each handler shall comply strictly with all provisions hereof and all regulations duly effective hereunder. No handler shall handle any hops or any hop product in violation of any of the provisions hereof or in violation of any regulation effective pursuant hereto.

§ 963.14 *Reports, books, and records.* (a) *Books and records.* Each handler and each subsidiary or affiliate thereof shall keep adequate books and records which will clearly show the details of its handling of hops and hop products.

(b) *Reports to Managing Agent.* To enable the Control Board, the Growers

Allocation Committee, and each Advisory Committee to perform its functions hereunder, each handler shall furnish to the Managing Agent complete information, in such form and at such time and substantiated in such manner as may be prescribed by the Control Board, relating to (1) the volume of hops and hop products handled by the respective handler; (2) the names and addresses of the growers and other persons from whom hops or hop products were acquired; (3) quantities of hops grown by that handler; and (4) the total quantity of hops and hop products owned by the respective handler. Such information furnished to the Managing Agent shall be confidential and shall not be disclosed to any person (including members of the Control Board as well as other persons) except to the Secretary at his request, or to such person as the Secretary may specify: *Provided*, That the Managing Agent may compile such information in such form as will not reveal the identity of individual informants and may make such compilations available to the Control Board, Growers Allocation Committee, any Advisory Committee, or to the public. The Managing Agent shall not disclose any information acquired under this section, except as herein expressly authorized.

§ 963.15 *Amendments*—(a) *Proposal*. Amendment hereof may, from time to time, be proposed by the Control Board or by the Secretary.

§ 963.16 *Agents*. The Secretary may, by a designation in writing, name any person, including but not being limited to any officer or employee of the Government or any Bureau or Division in the Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 963.17 *Effective time and termination*—(a) *Effective time*. The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare, and shall continue in force unless terminated in one of the ways hereinafter specified, so long as the provisions of the act authorizing the same are in effect.

(b) *Termination*. (1) The Secretary may, at any time, terminate the provisions hereof whenever he finds that the provisions hereof obstruct or do not tend to effectuate the declared policy of the act; and such notice of the termination shall be given as the Secretary deems proper.

(2) The Secretary shall terminate the provisions hereof whenever he finds that such termination is favored by the majority of the growers of hops who, during such representative period as may be determined by the Secretary, have been engaged in the production of hops within the area for market: *Provided*, That such majority have, during such period, produced for market more than fifty percent of the total volume of hops produced for market in said area during such period. Such termination shall become and be effective on and after the first day of July subsequent to the announcement thereof by the Secretary.

(3) The provisions hereof shall terminate in any event whenever the provisions

of the act authorizing them cease to be in effect.

(c) *Proceedings after termination*. Upon the termination of the provisions hereof, the members of the Control Board then functioning shall continue as trustees (for the purpose of liquidating the affairs of said Control Board) of all funds and property then in the possession or under the control of the Control Board, including but not being limited to claims for any funds unpaid or property not delivered at the time of such termination; but the procedural rules governing the activities of said trustees, including but not being limited to the determination as to whether action may be taken by only a majority vote of the trustees, shall be prescribed by the Secretary. Said trustees shall continue in such capacity until discharged by the Secretary, and from time to time shall account for all receipts and disbursements, and deliver all funds and property on hand, together with all books and records of the Control Board and the trustees, to such person as the Secretary may direct, and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person the right to all of the funds or claims vested in the Control Board or the trustees pursuant hereto. Any funds collected for expenses pursuant to § 963.12 hereof and held by such trustees or such person over and above amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the trustees or such other person, in the performance of their duties hereunder, shall, as soon as practicable after the termination of the provisions hereof, be disbursed among the handlers pro rata in proportion to their contributions pursuant hereto. Any person to whom funds, property, or claims have been delivered by the Control Board or its members, upon direction of the Secretary as herein provided, shall be subject to the same obligations and duties with respect to said funds, property, or claims as are hereinabove imposed upon the members of said Board or upon said trustees.

§ 963.18 *Duration of immunities*. The benefits, privileges, and immunities conferred by virtue hereof shall cease upon termination hereof except with respect to acts done under and during the existence hereof; and the benefits, privileges, and immunities conferred hereby shall cease upon the termination hereof except with respect to acts done under and during the existence hereof.

§ 963.19 *Separability*. If any provision hereof is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 963.20 *Derogation*. Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in

the premises whenever such action is deemed advisable.

§ 963.21 *Right of the Secretary*. Each member of the Control Board, Growers Allocation Committee, and Growers Advisory Committee, including successors and alternates, and any agent, representative, or employee appointed or employed by the Control Board, shall be subject to removal or suspension by the Secretary at any time. Each regulation, decision, determination, or other act of the Control Board, Growers Allocation Committee, or any Growers Advisory Committee, shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 963.22 *Liability of Control Board members*. No member of the Control Board, Growers Allocation Committee, or any Advisory Committee, nor any agent, representative, employee, or legal counsel thereof, shall be held liable individually in any way whatsoever to any other person for errors in judgment, mistakes, or other acts either of commission or omission as such member, employee, representative, or legal counsel, except for acts of dishonesty. The liability of the parties herein is several and not joint, and no party shall be liable for the default of any other party.

§ 963.23 *Effect of termination or amendment*. Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen prior thereto, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any right or remedy of the United States, or of the Secretary, or of any other person with respect to any such violation.

Issued at Washington, D. C., this 28th day of August 1942, to be effective on and after 12:01 a. m., P. w. t., September 1, 1942. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-8419; Filed, August 28, 1942; 11:47 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Agricultural Marketing Administration

PART 201—STOCKYARD REGULATIONS AMENDMENT OF WORDING

By virtue of the authority vested in the Secretary of Agriculture by the Packers and Stockyards Act, 1921 (42 Stat. 159, as amended; 7 U.S.C. 1940 ed. 181-229), the following amendments to Title 9, Chapter II, Part 201, Code of Federal Regulations (9 CFR and 1939 Supp. §§ 201.1-201.23) are promulgated:

Wherever they appear in Part 201, the words "Chief of the Agricultural Marketing Service" are stricken and the words "Administrator of the Agricultural Marketing Administration" substituted therefor.

Wherever they appear in Part 201, the words "Agricultural Marketing Service" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

Done at Washington, D. C., this 27th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

GROVER B. HILL,

Acting Secretary of Agriculture.

[F. R. Doc. 42-8421; Filed, August 28, 1942; 11:49 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Dockets Nos. A-1553 and A-1554; A-1555 and A-1574]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING RELIEF

Order of consolidation and order granting temporary relief and conditionally providing for final relief in the matter of the petitions of Springfield Coal Corporation, Springfield No. 5 Mine, Mine Index No. 153, for approval of agreement to purchase the entire production of the Hurd Mine, Mine Index No. 2928, of John P. Hurd, and the entire production of the Flick Mine, Mine Index No. 743, of Carl W. Flick, code members in District No. 1, for changes in freight origin group numbers and shipping points for the coals of Mine Index Nos. 2928, 743, and 153, for rail shipments, and for permission to mix the coals of these mines and in the matter of the petitions of Peale, Peacock, and Kerr, Inc., for approval of agreement in respect to the purchase of 250 net tons of coal per day produced at Kriswal No. 1 Mine, Mine Index No. 656, of Kriswal Mining Company for delivery to the buyer's Victor No. 18 Mine, Mine Index No. 526, and for approval of agreement to purchase 300 net tons of coal per day produced at the same mine for delivery to the buyer's Victory No. 19 Mine, Mine Index No. 590, for change in freight origin group numbers and shipping points for the coals of Mine Index Nos. 656, 526 and 590; and for permission to mix the coals of these mines.

Original petitions having been duly filed with this Division by the above-named parties, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the approval of agreements attached thereto and requesting temporary and permanent relief to load and mix the coals produced by Mine Index Nos. 2928 and 743 with the coals of Mine Index No. 153 and permission to load and mix the coals of Mine Index No. 656 with the coals of Mine Index Nos. 526 and 590; and

It appearing that the above-entitled matters raise similar and related issues; it further appearing that the proposed agreements attached to the original petitions do not comply with the Marketing Rules and Regulations promulgated

by the Division; it appearing, however, that a reasonable showing of necessity has been made for granting temporary relief in the manner hereinafter set forth; no petitions of intervention having been filed with this Division in the above-entitled matters; and the following action being deemed necessary in order to effectuate the purposes of the Act;

It is therefore ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 321.7 (Alphabetical list of code members) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof, and commencing forthwith the Freight Origin Group numbers and shipping points appearing in the aforesaid Supplement R for the mines mentioned therein are effective in place of the Freight Origin Group numbers and shipping points heretofore established for these mines and the mixing of the coals of Mine Index

Nos. 743 and 2928 with the coals of Mine Index No. 153 and the coals of Mine Index No. 656 with the coals of Mine Index Nos. 526 and 590 is hereby approved.

It is further ordered, That nothing in this Order shall be construed as approval of the contracts attached to the original petitions inasmuch as the said contracts do not comply with the Marketing Rules and Regulations promulgated by the Division.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless otherwise ordered.

Dated: August 18, 1942.

[SEAL]

DAN H. WHEELER,

Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in this Supplement R is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

| Mine Index No. | Code member | Mine name | Subdistrict No. | Seam | Shipping point | Railroad | Freight origin group No. | 1 | 2 | 3 | 4 | 5 |
|----------------|---|-----------------|-----------------|------|---|----------|--------------------------|---|---|---|---|---|
| 743 | Flick, Carl W. | Flick | 18 | C' | La Jose, Pa. ¹ (Wilson Run). | PRR. | 50 | E | E | E | E | E |
| 2928 | Hurd, John Porter | Hurd | 18 | C' | La Jose, Pa. ¹ (Wilson Run). | PRR. | 50 | E | E | E | E | E |
| 153 | Springfield Coal Corporation. | Springfield #5. | 18 | C' | La Jose, Pa. ¹ (Wilson Run). | PRR. | 50 | E | E | E | E | E |
| 656 | Kriswal Mining Company (Frank Kristianson). | Kriswal | 7 | D | Curwensville, Pa. ² | PRR. | 51 | F | F | F | F | F |
| 526 | Peale, Peacock & Kerr, Inc. | Victor #18. | 7 | D | Rowles, Pa. ³ | NYC. | 45 | F | F | F | F | F |
| 656 | Kriswal Mining Company (Frank Kristianson). | Kriswal | 7 | D | Rowles, Pa. ³ | NYC. | 51 | F | F | F | F | F |
| 590 | Peale, Peacock & Kerr, Inc. | Victor #19. | 7 | D | Curwensville, Pa. ² | PRR. | 44 | F | F | F | F | F |
| | | | | | Rowles, Pa. ³ | NYC. | 44 | F | F | F | F | F |

¹ When coals from Mines with Index Nos. 153, 743, and 2928 are loaded into the same car, at La Jose, Pa. (Wilson Run), the minimum price applicable to the mixture shall be the price of the coal in the mixture which has the highest price classification (Classification "E" in Size Groups 1 to 5 inclusive).

² When the coals from Mines with Index Nos. 656 and 526 are loaded into the same car, at Curwensville, Pa., the minimum price applicable to the mixture shall be the price of the coal in the mixture which has the highest price classification (Classification "F" in Size Groups 1 to 5 inclusive).

³ When the coals from Mines with Index Nos. 656 and 590 are loaded into the same car, at Rowles, Pa., the minimum price applicable to the mixture shall be the price of the coal in the mixture which has the highest price classification (Classification "F" in Size Groups 1 to 5 inclusive).

* Freight Origin Group No. 62 is no longer applicable for Mine Index No. 656.

[F. R. Doc. 42-8381; Filed, August 27, 1942; 11:22 a. m.]

[Docket No. A-1561]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 3 for the establishment of price classifications and minimum prices for rail and truck shipments and for changes in shipping points for the coals of certain mines in District No. 3 for rail shipments.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act

of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices and for changes in Freight Origin Group Numbers and shipping points for the coals of certain mines in District No. 3 for rail shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (Alphabetical list of code members) is amended by adding thereto Supplement R-I, § 323.8 (Special prices—(b) Railroad fuel

prices for all movements except via lakes) is amended by adding thereto Supplement R-II, § 323.8 (Special prices—(c) Railroad fuel prices for movement via all lakes—all ports) is amended by adding thereto Supplement R-III, and § 323.23 (General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith the shipping points appearing in the aforesaid Supplement R-I for the mines mentioned therein are

effective in place of the shipping points heretofore established for these mines. No relief is granted herein for the coals of the Shriver Mine, Mine Index No. 990 of Paul Crumrine for the reason that the coals of this mine were priced in Docket No. A-1535.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five

(45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. *It is further ordered*, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered. Dated: August 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

§ 323.6 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

| Mine Index No. | Code member | Mine name | Seam | Shipping point | Railroad | Freight origin group No. | Size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 964 | Booths Creek Coal Co. (Melvin Decker) | No. 1 | Pittsburgh | Chifton, W. Va. | WM | 65 | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F |

† Indicates no classification or prices effective for this size group.

Denotes new shipping point. Shipping point at Chilton, W. Va. on the Western Maryland Railroad shall no longer be applicable.

§ 323.8 Special prices—(b) Railroad fuel prices for all movements except via lakes—Supplement R-II. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule: Group No. 1, 964, 1225, 1355, 1366, 636; Group No. 5, 410.

§ 323.8 Special prices—(c) Railroad fuel prices for movement via all lakes—all ports—Supplement R-III. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule: Group No. 1, 964, 1225, 1365, 1366, 636; Group No. 5, 410.

FOR TRUCK SHIPMENTS

§ 323.23 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

| Code member index | Mine Index No. | Mine | Seam | County | Size groups | | | | | | |
|---------------------------------------|----------------|--------------------|------------|----------|--|------------------------------|------------------------------------|-------------------------------|--------------------------------------|---------------------|------------|
| | | | | | Lump over 2", off over 2", bottom size | Lump 2", off 2", bottom size | Lump 1 1/2" and under, bottom size | All nut and pea, 2" and under | Run of mine, resultant over 2" slack | 1 1/4" and 2" slack | 3/4" slack |
| Baker, J. H. | 411 | Baker #3 | Coalburg | Nicholas | 253 | 248 | 248 | 248 | 223 | 223 | 193 |
| Case, Pierce O. | 410 | Case | No. 2 Gas | Nicholas | 253 | 248 | 248 | 248 | 223 | 223 | 193 |
| Groat, W. J. | 409 | Burnside #3 | Pittsburgh | Lewis | 223 | 218 | 218 | 218 | 193 | 193 | 168 |
| Johnson Coal Co. (Delvera K. Johnson) | 1355 | Johnson #3 (Strip) | Pittsburgh | Taylor | 223 | 218 | 218 | 218 | 193 | 193 | 178 |
| Yoland Coal Co. | 1366 | Yoland #4 (Strip) | Pittsburgh | Harrison | 223 | 218 | 218 | 218 | 193 | 193 | 168 |

[F. R. Doc. 42-8362; Filed, August 27, 1942; 11:22 a. m.]

[Docket No. A-1581]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 3 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

It appearing that a reasonable showing of necessity has been made for the grant-

ing of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, tem-

porary relief is granted as follows:

§ 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 323.8 (*Special prices*—(b)

Railroad fuel prices for all movements except via lakes) is amended by adding thereto Supplement R-II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is

amended by adding thereto Supplement R-III, and § 323.23 (*General prices*) is

amended by adding thereto Supplement R-III, and § 323.23 (*General prices*) is

amended by adding thereto Supplement R-III, and § 323.23 (*General prices*) is

amended by adding thereto Supplement R-III, and § 323.23 (*General prices*) is

amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Gov-

erning Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: August 18, 1942.

[SEAL]

DAN H. WHEELER,

Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 323, Minimum Price Schedule for District No. 3, and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 Alphabetical list of code members—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

| Mine Index No. | Code member | Mine name | Seam | Shipping point | Railroad | Freight origin group No. | Size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 412 | George-Anness Coal Co. | Barbour #1 (S) | Pittsburgh | Berryburg, W. Va. | B&O | 31 | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F | F |

*Indicates no classification or prices effective in this size group.

†Denotes new shipping point. Shipping point at Buckhannon, W. Va., on the Baltimore and Ohio Railroad shall no longer be applicable.

•Indicates coal in this size group previously classified.

§ 323.8 Special prices—(b) Railroad fuel prices for all movements, except via all ports—Supplement R-II. For railroad fuel prices, add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule: Group No. 1, 412, 1047, 1135, 1370, 1371 (a); Group No. 2, 990.

FOR TRUCK SHIPMENTS

§ 323.23 General prices—Supplement T

(Prices in cents per net ton for shipment into all market areas)

| Code number index | Mine | Seam | County | Size groups | | | | | | |
|---------------------------------------|------|-----------------|------------|--|------------------------------|---------------------------------|---------------------|--------------------------------|------------------|----------|
| | | | | Lump over 2", egg over 2", bottom size | Lump 2", egg 2", bottom size | Lump 1½" and under, bottom size | All nut and pea, 2" | Run of mine, resultant over 2" | 1½" and 2" slack | ¾" slack |
| George-Annese Coal Co. | 412 | Barbour #1 (s) | Barbour | 223 | 218 | 218 | 218 | 193 | 193 | 168 |
| Petrolo & Ripko Coal Co. | 1371 | Johns | Monongalia | 223 | 218 | 218 | 218 | 193 | 193 | 168 |
| Scribner, D. L. | 1370 | Scribner #1 | Harrison | 223 | 218 | 218 | 218 | 193 | 193 | 168 |
| Virginia & Pittsburgh Coal & Coke Co. | 413 | Kingmont Jr. #2 | Harrison | 223 | 218 | 218 | 218 | 193 | 193 | 168 |

[F. R. Doc. 42-8378; Filed, August 27, 1942; 11:24 a. m.]

[Docket No. A-967 Part II]

PART 328—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 8

ORDER GRANTING RELIEF

Order granting temporary and conditionally final relief in Docket No. A-967 Part II in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of Mine Index Nos. 798 and 5075 in District No. 8.

On August 7, 1941, 6 P.R. 4022, a Memorandum Opinion and Order severing Docket No. A-967 Part II from Docket No. A-967, and granting temporary relief and establishing temporary price

* The letter (a) following Mine Index No. 1371, should be included in groups in § 323.8 (b) only.

classifications and minimum prices for the coals of Mine Index Nos. 798 and 5075 of Consumers Mining Corporation for all shipments except truck, was issued. Conditionally final relief was not granted therein, pending the establishment of permanent relief in Docket No. A-355.

On October 16, 1941, 6 P.R. 5330, an order was issued establishing permanent relief in Docket No. A-355.

It appears that in order to relate the coals of Mine Index Nos. 798 and 5075 with other coals in the Red Ash Seam in District No. 8 in accordance with the said Order dated October 16, 1941, in Docket No. A-355, and in accordance with the Order of August 7, 1941, the following price classifications should be established for the coals of Mine Index Nos. 798 and 5075 for All Shipments Ex-

cept Truck: "C" in Size Groups 1 and 2, "D" in Size Groups 3 and 4, "A" in Size Groups 5, 6, and 7, and "H" in Size Groups 8, 9, and 10.

It is therefore ordered, That the relief granted by the Order dated August 7, 1941, in this matter be terminated.

It is further ordered, That commencing fifteen days from the date hereof, § 328.21 (Alphabetical list of code members) in the Schedule of Effective Minimum Prices for District No. 8 For All Shipments Except Truck is supplemented to include price classifications and minimum prices shown in Supplement R, annexed hereto and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the

§ 328.21 Alphabetical list of code members—Supplement R

NOTE: The material contained in this Supplement R is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

| Mine Index No. | Code member | Mine name | Subdistrict No. | Low volatile seam | Shipping point | Railroad | Relief group No. | Price classification by size group No. | | | | | | | | | |
|----------------|-------------------------------|---------------|-----------------|-------------------|----------------|----------|------------------|--|---|---|---|---|---|---|---|---|---|
| 5075 | Consumers Mining Corporation. | Red Ash No. 1 | 9 | Red Ash. | Red Ash, Va. | N&W | 21 | C | C | D | D | A | A | A | H | H | H |
| 798 | Consumers Mining Corporation. | Red Ash No. 2 | 9 | Red Ash. | Red Ash, Va. | N&W | 21 | C | C | D | D | A | A | A | H | H | H |

[F. R. Doc. 42-8377; Filed, August 27, 1942; 11:24 a. m.]

[Docket No. A-1571]

PART 328—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 8

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, re-

above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: August 18, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

questing the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which sup-

plements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed

with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: August 15, 1942.

[SEAL] E. BOYKIN HARTLEY,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 Alphabetical list of code members—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

| Mine Index No. | Code member | Mine name | High volatile seam | Subdistrict No. | Shipping point | Railroad | Freight origin group | Price classifications by size group Nos. | | | | | | | | | | | | | | | | | | | | | | |
|----------------|---|-------------|--------------------|-----------------|-------------------|----------|----------------------|--|-----|-----|-----|-----|-----|-----|----------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| | | | | | | | | For destinations other than Great Lakes | | | | | | | For Great Lakes cargo only | | | | | | | | | | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 |
| 584 | C. & C. Coal Company | Nugum | Crockett | 6 | Nugum, Ky. | L&N | 111 | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) |
| 103 | Ethel Chilton Mines, Inc. | Ethel No. 1 | Chilton | 3 | Ethel, W. Va. | C&O | 150 | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) |
| 5692 | Harlan-Wallins Coal Corporation | Kelloka | Kelloka | 2 | Marine No. 2, Ky. | L&N | 80 | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) |
| 199 | McCalla, A. L., Special Receiver for Chilton Block Coal Co. | Ethel No. 2 | Chilton | 5 | Ethel, W. Va. | C&O | 150 | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) | (C) |

*Indicates previously classified these size groups.

(f) Indicates no classification effective for these size groups.

FOR TRUCK SHIPMENTS

§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T

| Code member index | Mine | Mine Index No. | Seam | Base sizes | | | | | | | | | |
|---|---------|----------------|---------|-------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| | | | | Lump over 24" egg | Lump 24" and under, egg | Lump 24" and under, egg | Lump 24" and under, egg | Lump 24" and under, egg | Lump 24" and under, egg | Lump 24" and under, egg | Lump 24" and under, egg | Lump 24" and under, egg | Lump 24" and under, egg |
| SURDISTRICT NO. 2—HARLAN—HARLAN COUNTY, KY. Harlan-Wallins Coal Corporation. | Kelloka | 5692 | Kelloka | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | 245 | 225 | 215 | 215 | 200 | 205 | 155 | 150 | 150 | 150 |

[F. R. Doc. 42-8379; Filed, August 27, 1942; 11:23 a. m.]

[Docket No. A-1569]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 9 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 9.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9; and

It appearing that a reasonable showing of necessity has been made for the

granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith \$329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 329.24 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applica-

tions to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty

(60) days from the date of this Order, unless it shall otherwise be ordered.

No relief is granted as to the coals of the Wolf Hills Coal Company (Mine Index No. 530) for Truck Shipments for the reason set forth in an order severing that portion of Docket No. A-1569 which relates to them and designating such portion as Docket No. A-1569, Part II and scheduling a hearing therein.

Dated: August 18, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[Docket No. A-1584]

PART 338—MINIMUM PRICE SCHEDULE,
DISTRICT No. 18

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 18 for the establishment of price classifications and minimum prices for the Gloria Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Gloria Mine (Mine Index No. 171) of code member Nick Luciani & Sons for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 338.2 (Code member price index) is amended by adding thereto Supplement T-I, and § 338.21 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T-II, which supplements are hereinafter set forth and hereby made a part hereof.

No price classifications or minimum prices were proposed by petitioner for the coals of the Gloria Mine in Size Groups Nos. 14 and 15. However, the Order issued in Docket No. A-1530 on July 28, 1942, 7 F.R. 6143, established price classifications and minimum prices for the coals, in those size groups, produced from all other mines presently operating in Subdistrict 3 of District No. 18. For the purpose of uniformity, it is deemed advisable to establish classifications and prices for the coals of the Gloria Mine which will correspond with those in effect for the coals produced from other mines in Subdistrict 3 of District No. 18. Accordingly, price classifications and minimum prices for the coals of the Gloria Mine in Size Groups Nos. 14 and 15 have been included in the attached schedule marked Supplement T-I.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 9

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 Alphabetical list of code members—Supplement R

| Mine index No. | Producer | Mine | Seam | Freight origin group | Shipping point | Railroad |
|----------------|----------------------------------|--------------|------|----------------------|----------------|----------|
| 1935 | Brown, Owen | Brown | 9 | 50 | Providence | L&N-IC. |
| 1661 | Burden, Harrison | Shutt & Mac | 9 | 30 | Browder | L&N. |
| 1674 | Burden & Woods (Harrison Burden) | Whittinghill | 9 | 30 | Drakesboro | L&N. |
| 1659 | Hardin & Gray (Chester Hardin) | Hardin | 9 | 40 | Owensboro | L&N-IC. |
| 1698 | Parks, Orval | Vick | 9 | 10 | Beaver Dam | IC. |
| 1305 | Parrish & Harris | Beulah | 9 | 50 | Providence | L&N-IC. |
| 1029 | Tapp, John | Tapp | 11 | 30 | Nebo | L&N. |
| 1546 | Watson & Laffoon (Ruby Watson) | Cat Hill | 9 | 10 | Madisonville | IC. |
| 1028 | Wilson, C. C. | Wilson No. 2 | 9 | 10 | Madisonville | IC. |
| 1023 | Shearn Coal Co. | Belcano #2 | 6 | 30 | Beltco | L&N. |

¹ The f. o. b. mine prices for coal shipped by Mine Index Nos. 935, 661, 674, 659, 698, 305, 1029, 546, 1028 to any market area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck.

² The f. o. b. mine prices for coal shipped by Mine Index No. 1023 to any market area in any size group and for any use including Railroad Locomotive Fuel are the same as the prices shown for Dawson Daylight Coal Company, Dawson Daylight No. 6 mine, Mine Index No. 19, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck.

³ Shipping Point Drakesboro, Ky., Freight Origin Group 30, is no longer applicable.

⁴ Shipping Point Browder, Ky., Freight Origin Group 30, is no longer applicable.

⁵ Shipping Point Earlington, Ky., Freight Origin Group 30, is no longer applicable.

⁶ Shipping Point Charleston, Ky., and Madisonville, Ky., Freight Origin Group 10, is no longer applicable.

FOR TRUCK SHIPMENTS

§ 329.24 General prices in cents per net ton for shipment into any market area—
Supplement T

| Code member index | Mine index No. | Mine | Seam | Prices and size group Nos. | | | | | | | | | | | | | |
|--------------------------|----------------|----------------|------|----------------------------|-----|-----|-----|-----|-----|-----|-----|------------|--------|-----|--------|--------|--|
| | | | | 1, 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10, 11, 12 | 13, 14 | 15 | 26, 27 | 28, 29 | |
| HOPKINS COUNTY | | | | | | | | | | | | | | | | | |
| Knight, Cliff..... | 1031 | Buck Run.... | #9. | 205 | 195 | 185 | 175 | 170 | 160 | 160 | 150 | 140 | 110 | 50 | 120 | 115 | |
| Tapp, John..... | 1029 | Tapp..... | #11 | 205 | 195 | 185 | 175 | 170 | 160 | 160 | 150 | 140 | 110 | 50 | 120 | 115 | |
| Wilson, C. C..... | 1028 | Wilson #2.... | #9. | 205 | 195 | 185 | 175 | 170 | 160 | 160 | 150 | 140 | 110 | 50 | 120 | 115 | |
| MUHLENBERG COUNTY | | | | | | | | | | | | | | | | | |
| Shearn Coal Company..... | 1023 | Belcano #2.... | #6. | 230 | 220 | 210 | 200 | 195 | 185 | 185 | 180 | 175 | 160 | 100 | 170 | 165 | |
| OHIO COUNTY | | | | | | | | | | | | | | | | | |
| Daugherty, Ames..... | 1027 | Ames..... | #11 | 205 | 195 | 185 | 175 | 170 | 160 | 160 | 150 | 140 | 110 | 50 | 120 | 115 | |

[F. R. Doc. 42-8383; Filed, August 27, 1942; 11:22 a. m.]

(45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.
Dated: August 20, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

(Sec. 6, 54 Stat. 714, Public Law 75, 77th Cong., Public Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

F. R. KERR,
Colonel, Infantry,
Chief, Export Control Branch,
Office of Exports.

Dated: August 27, 1942.

[F. R. Doc. 42-8410; Filed, August 28, 1942;
10:53 a. m.]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 18

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 338, Minimum Price Schedule for District No. 18, and supplements thereto.

The following price classification and minimum prices shall be inserted in Price Schedule No. 1 for District No. 18:

§ 338.2 Code member price index—Supplement T-I

Insert the following listing in proper alphabetical order:

| Producer | Mine | Mine index No. | County and State | Sub-district price group | Prices | |
|--------------------------|-------------|----------------|----------------------|--------------------------|--------|----------|
| | | | | | Rail | Truck |
| Nick Luciani & Sons..... | Gloria..... | 171 | Sandoval, N. Mex.... | 3 | | \$338.21 |

FOR TRUCK SHIPMENTS

§ 338.21 General prices in cents per net ton for shipment into all market areas—Supplement T-II

Insert the following code member name, mine name, county, and minimum prices under Sub-District No. 3:

| Code member | Mine name | County | Size group | | | | | | |
|--------------------------|-------------|---------------|------------|-----|-----|-----|-----|-----|-----|
| | | | 2 | 8 | 9 | 11 | 13 | 14 | 15 |
| Nick Luciani & Sons..... | Gloria..... | Sandoval..... | 365 | 300 | 200 | 150 | 100 | 350 | 325 |

[F. R. Doc. 42-8380; Filed, August 27, 1942; 11:23 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 117]

LIST OF DEFECTS

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the "Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 220, entitled "List of Defects," effective immediately upon the filing hereof with the Division of the Federal Register.¹ Upon receipt of the revised DSS Form 220, the use of the original DSS Form 220 will be discontinued and all unused copies thereof will be destroyed.

¹ Filed as part of the original document.
No. 171—4

The foregoing revision and discontinuance shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

AUGUST 15, 1942.

[F. R. Doc. 42-8418; Filed, August 28, 1942;
11:31 a. m.]

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment No. XXX]

PART 801—GENERAL REGULATIONS

CHANGE OF EFFECTIVE DATES

The effective dates of Amendments Nos. XXV, XXVI and XXVIII¹ to the Export Control Regulations are hereby changed to September 5, 1942.

¹ 7 F.R. 6671.

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 958—REPAIRS, MAINTENANCE AND OPERATING SUPPLIES

[Amendment 3 to Preference Rating Order Number P-100 as Amended]

Section 958.2 paragraph (b) (5) of Preference Rating Order P-100¹ is hereby amended to read as follows:

(5) Subject to subparagraph (6), "operating supplies" means any material which is essential to the operation of the producer's business and which is consumed in the course of such business, including, but not limited to, lubricants, catalysts, and small perishable tools: *Provided*, it shall not include:

(i) Any material which is physically incorporated, in whole or in part, into any material which the producer manufactures, distributes, sells, stores, or transports, excepting material used by a producer to repair or maintain agricultural machinery or the property of another producer, or

(ii) Any material that is to be used as fuel, or

(iii) Any material to be used as packaging supplies, shipping supplies or containers. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 28th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-8417; Filed, August 28, 1942;
11:41 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

[Supplementary Limitation Order L-1-h]

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of heavy

¹ 7 F.R. 925, 1009, 1625, 1794, 2236, 2866.

motor trucks for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 976.18 *Supplementary Limitation Order L-1-h—(a) Applicability of priorities regulations.* This order and all transactions affected thereby are subject to the provisions of applicable priorities regulations, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(1) *Protection of production schedules.* Producers under the terms of this order may, notwithstanding the provisions of Priorities Regulation No. 1 (Part 944), schedule production of heavy trucks (including off-the-highway motor vehicles when produced under this order) without regard to purchase orders or contracts placed with them for other materials on ratings lower than AA-4.

(b) *Definitions.* For the purposes of this order:

(1) "Heavy truck" means a complete motor truck or truck-tractor with a gross vehicle weight rating of 16,000 pounds or more, as authorized by the manufacturer thereof, or the chassis therefor, including off-the-highway motor vehicles.

(2) "Off-the-highway motor vehicle" means a motor truck, truck-tractor and/or trailer, operating off the public highway, normally on rubber tires and specially designed to transport materials, property or equipment on mining, construction, logging or petroleum development projects.

(3) "Producer" means any individual, partnership, association, corporation or other form of business enterprise engaged in the manufacture of heavy trucks and off-the-highway motor vehicles.

(4) "G. V. W. group" means gross vehicle weight classification, as authorized by the producer.

(c) *Production of 4,000 heavy trucks authorized.* Irrespective of the terms of Supplementary General Limitation Order L-1-E, issued April 11, 1942,¹ and in order to replace four thousand (4,000) heavy trucks heretofore or hereafter withdrawn for use by the Army, Navy and Lend-Lease Administration since June 1, 1942, from stocks intended for rationing to civilians under General Conservation Order M-100,² the Producers named below are hereby authorized to produce during the period from August 1, 1942, to December 31, 1942, an aggregate of four thousand (4,000) heavy trucks according to the following schedules:

| Producer | G. V. W. groups (by thousand pounds) | Number of units |
|---|--------------------------------------|-----------------|
| Autocar Co., Ardmore, Pa. | 16 to but not including 20 | 60 |
| | 20 to but not including 25 | 115 |
| | 25 to but not including 30 | 75 |
| | 35 to but not including 40 | 25 |
| | 40 to but not including 45 | 25 |
| | 50 to but not including 60 | 25 |
| | | 325 |
| Brookway Motor Co., Inc., Cortland, N. Y. | 16 to but not including 20 | 80 |
| | | 80 |
| Dart Truck Co., Kansas City, Mo. | 16 to but not including 20 | 11 |
| | 20 to but not including 25 | 12 |
| | 25 to but not including 30 | 8 |
| | 40 to but not including 45 | 2 |
| | 60 to but not including 70 | 11 |
| | 70 to but not including 100 | 1 |
| | | 45 |
| Duplex Truck Co., Lansing, Mich. | 16 to but not including 20 | 1 |
| | 25 to but not including 30 | 3 |
| | | 4 |
| Euclid Road Machinery Co., Cleveland, Ohio | 50 to but not including 70 | 80 |
| | 70 to but not including 100 | 50 |
| | | 130 |
| Four Wheel Drive Auto Co., Clintonville, Wis. | 16 to but not including 20 | 60 |
| | 20 to but not including 25 | 25 |
| | 25 to but not including 30 | 14 |
| | 40 to but not including 45 | 6 |
| | | 105 |
| Hendrickson Motor Truck Co., Chicago, Ill. | 20 to but not including 25 | 2 |
| | 25 to but not including 30 | 1 |
| | 30 to but not including 35 | 6 |
| | | 9 |
| International Harvester Co., Chicago, Ill. | 16 to but not including 20 | 727 |
| | 20 to but not including 25 | 350 |
| | | 1,077 |
| Kenworth Motor Truck Corp., Seattle, Wash. | 35 to but not including 40 | 10 |
| | 40 to but not including 45 | 10 |
| | 50 to but not including 60 | 10 |
| | | 30 |
| Mack Manufacturing Corp., Long Island City, N. Y. | 25 to but not including 30 | 90 |
| | 30 to but not including 35 | 200 |
| | | 290 |
| Peterbilt Motors Co., Oakland, Calif. | 35 to but not including 40 | 6 |
| | 40 to but not including 45 | 10 |
| | 50 to but not including 60 | 4 |
| | | 20 |
| Reo Motors, Inc., Lansing, Mich. | 20 to but not including 25 | 17 |
| | 25 to but not including 30 | 7 |
| | 30 to but not including 35 | 16 |
| | | 40 |
| Sterling Motor Truck Co., Milwaukee, Wis. | 16 to but not including 20 | 3 |
| | 20 to but not including 25 | 7 |
| | 35 to but not including 40 | 12 |
| | 40 to but not including 45 | 7 |
| | 45 to but not including 50 | 2 |
| | | 31 |
| Walter Motor Truck Co., Ridgewood, N. Y. | 20 to but not including 25 | 90 |
| | 30 to but not including 35 | 50 |
| | 40 to but not including 45 | 60 |
| | 60 to but not including 70 | 50 |
| | | 250 |
| The White Motor Co., Cleveland, Ohio | 16 to but not including 20 | 776 |
| | 20 to but not including 25 | 591 |
| | 25 to but not including 30 | 77 |
| | 30 to but not including 35 | 120 |
| | | 1,564 |
| | | 4,000 |

¹ 7 F.R. 2782, 5705.

² 7 F.R. 1632, 4030, 5705.

(d) Commencing September 1, 1942, producers shall report to the Automotive Branch, War Production Board, on the first day of each month the number of units produced in the preceding thirty (30) days on Form PD-571.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(f) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as the Board shall from time to time require.

(g) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Violations.* Any person who willfully violates any provisions of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(i) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from nondefense work, may apply for relief by addressing a letter to the War Production Board, setting forth the pertinent facts and the reason such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action, if any, as is deemed appropriate.

(j) *Communications.* All communications concerning this order shall be addressed to, War Production Board, Automotive Branch, Washington, D. C., Ref: Order L-1-h. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 28th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-8415; Filed, August 28, 1942;
11:41 a. m.]

PART 1233—OFFICERS' MILITARY INSIGNIA
[Supplementary Limitation Order L-131-a]

§ 1239.2 *Supplementary Limitation Order L-131-a—(a) Authorizations to*

transfer officers' military insignia. Pursuant to paragraph (b) (2) (iii) of Limitation Order L-131,¹ all those persons to whom certificates of authority for the sale of officers' military insignia of the United States Army have been granted, or may hereafter be granted by the Adjutant General pursuant to Army Regulation No. 600-90, are hereby specified as outlets to which officers' military insignia of the United States Army may be transferred under paragraph (b) (2) (iii) of Limitation Order L-131, and outlets which may transfer such officers' military insignia to personnel of the United States Army, pursuant to paragraph (b) (2) (vii) of Limitation Order L-131.

(b) *Duration of authorizations.* The authorizations specified in paragraph (a) of this order shall remain in effect with respect to any person only so long as his certificate of authority granted by the Adjutant General remains in effect. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 28th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-8416; Filed, August 28, 1942;
11:41 a. m.]

Chapter XI—Office of Price Administration

PART 1388—DEFENSE-RENTAL AREAS

[Amendment 1 to Maximum Rent Regulation 27]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

PARSONS DEFENSE-RENTAL AREA

Section 1388.1751 (a) (2) of Maximum Rent Regulation No. 27 is hereby amended to read as follows:

§ 1388.1751 *Scope of regulation.* (a)

(2) That portion of the Parsons Defense-Rental Area consisting of the Counties of Labette and Montgomery, in the State of Kansas.

§ 1388.1764a *Effective dates of amendments.* (a) Amendment No. 1 (§ 1388.1751 (a) (2)) to Maximum Rent Regulation No. 27 shall become effective September 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8401; Filed, August 27, 1942;
5:02 p. m.]

¹ 7 F.R. 5556.

PART 1388—DEFENSE-RENTAL AREAS

[Amendment 2 to Maximum Rent Regulation 31A]

HOTELS AND ROOMING HOUSES

PARSONS DEFENSE-RENTAL AREA

Sections 1388.1951 (a) (2)¹ and 1388.1964a of Maximum Rent Regulation No. 31A are hereby amended to read as follows:

§ 1388.1951 *Scope of regulation.* (a)

(2) That portion of the Parsons Defense-Rental Area consisting of the Counties of Labette and Montgomery, in the State of Kansas.

§ 1388.1964a *Effective dates of amendments.* (a) Amendment No. 1 (§ 1388.1951 (a) (2)) to Maximum Rent Regulation No. 31A shall become effective August 8, 1942.

(b) Amendment No. 2 (§ 1388.1951 (a) (2)) to Maximum Rent Regulation No. 31A shall become effective September 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8402; Filed, August 27, 1942;
5:02 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Amendment 1 to Maximum Rent Regulation 45]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

SIDNEY, NEBRASKA DEFENSE-RENTAL AREA

Section 1388.8051 (a) of Maximum Rent Regulation No. 45 is hereby amended by adding subparagraph (39) to read as follows:

§ 1388.8051 *Scope of regulation.* (a)

(39) The Sidney, Nebraska Defense-Rental Area, consisting of the County of Cheyenne, in the State of Nebraska.

§ 1388.8064a *Effective dates of amendments.* (a) Amendment No. 1 (§ 1388.8051 (a)) to Maximum Rent Regulation No. 45 shall become effective September 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8400; Filed, August 27, 1942;
5:02 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Amendment 1 to Maximum Rent Regulation 46A]

HOTELS AND ROOMING HOUSES

SIDNEY, NEBRASKA DEFENSE-RENTAL AREA

Section 1388.9001(a) of Maximum Rent Regulation No. 46A is hereby

¹ 7 F.R. 4923.

amended by adding subparagraph (39) to read as follows:

§ 1388.9001 *Scope of regulation.* (a)

(39) The Sidney, Nebraska Defense-Rental Area, consisting of the County of Cheyenne, in the State of Nebraska.

§ 1388.9014a *Effective dates of amendments.* (a) Amendment No. 1 (§ 1388.9001(a)) to Maximum Rent Regulation No. 46A shall become effective September 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8399; Filed, August 27, 1942;
5:02 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Amendment 9 to Rationing Order 3¹]

SUGAR RATIONING REGULATIONS

Paragraph (a) of § 1407.86 is amended as set forth below:

Institutional and Industrial Users

§ 1407.86 *Allotments.* (a) A registering unit which uses sugar for any of the purposes not enumerated in § 1407.241, Schedule A of Rationing Order No. 3, and which has established a sugar base by registration on OPA Form No. R-310, is eligible for an amount of sugar for each of such purposes which is known as an allotment. The amount of an allotment for each period for which application is made shall be the applicable percentage specified in § 1407.242, Schedule B of Rationing Order No. 3, of the sugar base, except that in the case of an establishment principally engaged in the care of persons who are acutely ill and temporarily living and receiving medical or surgical care therein, the amount of the allotment for meals or food services for each period commencing on or after September 1, 1942, shall be 65 per cent of the sugar base for such purpose.

Effective Date

§ 1407.222 *Effective dates of amendments.*

(i) Amendment No. 9 (Paragraph (a) of § 1407.86) shall become effective September 2, 1942.

(Pub. Law 421, 77th Cong., W. P. B., Dir. No. 1 and Supp. Dir. 1E)

Issued this 27th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8405; Filed, August 27, 1942;
5:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Maximum Price Regulation 211]

COTTON GINNING SERVICES

A statement of the considerations involved in the issuance of this Maximum

¹ 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5861, 6084.

Price Regulation No. 211 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for cotton ginning services. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be effected by this Maximum Price Regulation No. 211.

In the judgment of the Price Administrator the maximum prices established by this Maximum Price Regulation No. 211 are, and will be, generally fair and equitable, and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1¹ issued by the Office of Price Administration, Maximum Price Regulation No. 211 is hereby issued.

Sec.

- 1499.551 Prohibition against dealing in cotton ginning services above the maximum prices.
- 1499.552 Maximum prices for cotton ginning services.
- 1499.553 Prohibition against using more than one pricing method set forth in § 1499.552 (a).
- 1499.554 Less than maximum prices.
- 1499.555 Transfer of business or stock in trade.
- 1499.556 Adjustable pricing.
- 1499.557 Applicability of other regulations.
- 1499.558 Reports to be submitted by ginners to the appropriate Regional Office of the Office of Price Administration, D. C.
- 1499.559 Prohibition against doing business after September 19, 1942, unless a report has been filed with the appropriate Regional Office of the Office of Price Administration.
- 1499.560 Posting of maximum prices in each ginning establishment.
- 1499.561 Evasion.
- 1499.562 Licensing.
- 1499.563 Enforcement.
- 1499.564 Petitions for adjustment and amendment.
- 1499.565 Definitions.
- 1499.566 Effective date.
- 1499.567 Appendix A: Procedure for the adjustment of maximum prices under § 1499.564 (a).
- 1499.568 Appendix B: Procedure for the filing of an application for a maximum price under § 1499.552 (b).
- 1499.569 Appendix C: Request for review by Washington Office of the Office of Price Administration.
- 1499.570 Appendix D: Regional Offices and States included in each region.

AUTHORITY: §§ 1499.551 to 1499.570, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1499.551 *Prohibition against dealing in cotton ginning services above the maximum prices.* On and after August 29, 1942, regardless of any contract or obligation:

(a) No person shall sell or supply any cotton ginning services at a price higher than the maximum prices permitted by Maximum Price Regulation No. 211;

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 971, 3563.

(b) No person in the course of trade or business shall buy or receive any cotton ginning services at a price higher than the maximum prices permitted by Maximum Price Regulation No. 211;

(c) No person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1499.552 *Maximum prices for cotton ginning services—*(a) *Maximum prices for cotton ginning services which are the same as or substantially similar to those sold by the ginner during the base period.* The maximum price for cotton ginning services which are the same as or substantially similar to the cotton ginning services sold or supplied by the ginner during the base period shall be:

(1) 105 per cent of the highest dollars-and-cents price² charged by the ginner for selling or supplying such services to a purchaser of the same general class during the base period;³ or

(2) 25 cents per hundred weight of seed cotton for ginning picked cotton, 27½ cents per hundred weight of seed cotton for ginning bollies or snapped cotton, and \$1.50 for bagging and ties, for which prices the ginner shall render such other cotton ginning services (or services substantially similar thereto) as he sold or supplied to purchasers of the same general class during the base period; or

(3) In the event that a ginner is unable to determine his maximum price for ginning in accordance with subparagraph (2), 65 cents per hundred weight of lint cotton, gross weight bale, for ginning picked cotton, 71½ cents per hundred weight of lint cotton, gross weight bale, for ginning bollies or snapped cotton, and \$1.50 for bagging and ties, for which prices the ginner shall render such other cotton ginning services (or services substantially similar thereto) as he sold or supplied to purchasers of the same general class during the base period.

(b) *Maximum prices for cotton ginning services which are not the same as or substantially similar to those sold by the ginner during the base period.* The maximum price for cotton ginning services which are not the same as or substantially similar to the cotton ginning services sold or supplied by the ginner during the base period shall be the price issued by the Office of Price Administration upon application by the ginner. This application shall be filed by the ginner with the appropriate Regional Office of the Office of Price Administra-

² This pricing method shall not be used by a ginner who charged for cotton ginning services during the base period exclusively on a toll basis.

³ In using this pricing method a ginner shall determine his ceiling from a single base-period transaction. He shall not, for example, select the highest price he charged for ginning in one transaction and the highest price he charged for bagging and ties in another transaction.

Under this pricing method a ginner who, during the base period, had different charges for bollies or snapped cotton as contrasted to picked cotton should compute a separate maximum price for each such kind of cotton.

tion in accordance with Appendix B, incorporated herein as § 1499.568, and shall set forth:

(1) The kinds and the quality of cotton ginning services supplied by the applicant during the base period;

(2) The highest charges he made during the base period for such services in a single transaction;

(3) The cotton ginning services which the applicant now wishes to sell or supply, with a complete description of the manner in which such services differ from the cotton ginning services sold or supplied by the ginner during the base period;

(4) If the applicant is discontinuing any cotton ginning services supplied during the base period, the charge he made for such services, or, if he made no charge, the highest charges received therefor during the base period by his most closely competitive ginner;

(5) If the applicant is adding any cotton ginning services which he did not supply during the base period, the highest charge received for such services by his most closely competitive ginner during the base period;

(6) The maximum prices established under this Maximum Price Regulation No. 211 for such cotton ginning services for his most closely competitive ginner; and

(7) A detailed analysis of the cost to him of the cotton ginning services which the applicant desires to add or discontinue.

§ 1499.553 *Prohibition against using more than one pricing method set forth in § 1499.552 (a).* No ginner whose maximum price is established by paragraph (a) of § 1499.552 shall employ more than one of the three pricing methods set forth therein.

§ 1499.554 *Less than maximum prices.* Prices lower than the maximum prices established by this Maximum Price Regulation No. 211 may be charged, demanded, paid or offered.

§ 1499.555 *Transfer of business or stock in trade.* If the business, assets or stock in trade of a ginner are sold or otherwise transferred on or after the effective date of this Maximum Price Regulation No. 211, and the transferee carries on the business, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this regulation.

§ 1499.556 *Adjustable pricing.* No ginner shall enter into an agreement permitting the adjustment of prices to prices which may be higher than the maximum prices established herein in the event that this Maximum Price Regulation No. 211 is amended or upon any other con-

tingency: *Provided*, That in an appropriate situation when a petition for amendment or adjustment or exception requires extended consideration, the Price Administrator may, upon application, grant permission to the ginner to agree with the buyer to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1499.557 *Applicability of other regulations.* This Maximum Price Regulation No. 211 shall apply and Maximum Price Regulation No. 165, as amended,⁴ the General Maximum Price Regulation,⁵ Revised Price Schedule No. 49⁶ and Maximum Price Regulation No. 118⁷ issued by the Office of Price Administration shall not apply to cotton ginning services for which maximum prices are established by this regulation.

§ 1499.558 *Reports to be submitted by ginner to the appropriate Regional Office of the Office of Price Administration.* On or before September 19, 1942, each ginner shall submit to the appropriate Regional Office of the Office of Price Administration, with respect to each of his ginning establishments a report containing (a) his name, (b) his address, (c) the pricing method he employed in determining his maximum price for cotton ginning services in accordance with § 1499.552 (a), (d) the highest price he charged during the base period for ginning cotton, (e) the highest price he charged during the base period for bagging and ties, (f) the highest price he charged during the base period for any other cotton ginning services, (g) his maximum price, if determined by one of the three pricing methods set forth in § 1499.552 (a), and (h) such other information as the Office of Price Administration may from time to time require.

§ 1499.559 *Prohibition against doing business after September 1942, unless a report has been filed with the appropriate Regional Office of the Office of Price Administration.* On and after September 19, 1942, no ginner shall supply any cotton ginning services unless he has filed a report for each of his cotton ginning establishments with the appropriate Regional Office of the Office of Price Administration in accordance with § 1499.558.

§ 1499.560 *Posting of maximum prices in each ginning establishment.* On and after August 29, 1942, each ginner shall keep posted in each of his ginning establishments in a manner plainly visible to and understandable by the purchasing public:

(a) His maximum prices for cotton ginning services, and

(b) His actual selling prices for cotton ginning services.

⁴ 7 F.R. 6428.

⁵ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4329, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5474, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216.

⁶ 7 F.R. 1300, 1836, 2182, 2540, 2682, 3330, 3473, 3893, 4342, 5176.

⁷ 7 F.R. 3038, 3211, 3522, 3578, 3824, 3905, 4405, 5224, 5405, 5567, 5836, 6005.

§ 1499.561 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 211 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to cotton ginning services alone or in conjunction with any other commodity or services, or by way of commission, service transportation or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding, or by the selling or supplying by a ginner at a price established by one of the pricing methods set forth in paragraph (a) of § 1499.552 of cotton ginning services which are not the same as or substantially similar to cotton ginning services sold or supplied by a ginner to a purchaser of the same general class during the base period.

§ 1499.562 *Licensing—(a) License required.* A license as a condition of selling is hereby required of every ginner subject to this regulation now or hereafter selling or supplying cotton ginning services for which maximum prices are established by this regulation.

(b) *License granted.* Every ginner subject to this regulation, now or hereafter selling or supplying cotton ginning services for which maximum prices are established by this regulation, is hereby granted a license as a condition of selling or supplying any such services. The provisions of this Maximum Price Regulation No. 211 shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of the provisions of said license. Such license shall be effective on August 29, 1942, or when any person becomes subject to the maximum price provisions of this regulation, and shall, unless suspended as provided by the Act, continue in force so long as and to the extent that said regulation or any amendment or supplement thereto remains in force.

(c) *Licensing sections of the General Maximum Price Regulation⁸ and Maximum Price Regulation No. 165, as amended,⁹ superseded.* This section supersedes the provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation and § 1499.111 of Maximum Price Regulation No. 165 insofar as said sections may be applicable to ginner selling or supplying cotton ginning services.

§ 1499.563 *Enforcement.* Persons violating any provision of this Maximum Price Regulation No. 211 are subject to the criminal penalties, civil enforcement actions, proceedings for the suspension of licenses and suits for treble damages provided for by the Emergency Price Control Act of 1942.

§ 1499.564 *Petitions for adjustment and amendment.* (a) Any ginner who finds that the maximum price for cotton ginning services established for him under the provisions of § 1499.552 (a) is abnormally low in relation to the maximum prices for the same or substantially similar services rendered by competitive ginner, and that this abnormality sub-

jects him to substantial hardship, may file a petition for adjustment of that maximum price in accordance with Appendix A, incorporated herein as § 1499.567.

(b) Persons seeking modifications of this Maximum Price Regulation No. 211, or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1,¹⁰ issued by the Office of Price Administration.

§ 1499.565 *Definitions.* (a) When used in this Maximum Price Regulation No. 211 the term:

(1) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing:

(2) "Ginner" means any person who owns or operates a ginning establishment in which cotton ginning services are performed for a consideration.

(3) "Ginning" means the process of separating lint cotton from cotton seed.

(4) "Cotton ginning services" means the sale or supplying by a ginner of (i) ginning, bagging and ties and (ii) such services performed incident thereto as baling, wrapping, tying, weighing, stenciling, cleaning, drying, hull extracting, storing and hauling.

(5) "Base period" means the period between August 1 and October 31, 1941, inclusive.

(6) "Substantially similar" refers to cotton ginning services which, as compared with the cotton ginning services sold or supplied during the base period to a purchaser of the same general class, (i) consist of services equivalent in number and kind, (ii) produce lint cotton of a quality equivalent to that produced by the ginner during the base period and (iii) would during the base period have been supplied for the same or approximately the same price.

(7) "Ginning establishment" means a plant in which ginning is performed.

(8) "Bagging" means the fabric commonly used as the outer covering for a bale of lint cotton, composed of jute, cotton, sugar-bag cloth or other material or fiber.

(9) "Ties" means the metal strips with which a bale of lint cotton is commonly bound.

(10) "General class" as used in the phrase "purchaser of the same general class" means a class of purchasers which was charged during the base period prices different from those charged other classes of purchasers because of (i) differences in the kind or quality of cotton ginning services rendered, (ii) differences in geographic location of the purchasers, or (iii) other reasons. Thus, for example, growers for whom during the base period the ginner hauled cotton to

the ginning establishment for no added charge constitute a different general class of purchasers from growers who paid an added charge to the ginner for hauling during the base period.

(11) "Appropriate Regional Office" means the Regional Office of the Office of Price Administration for the region in which the particular cotton ginning establishment is located.¹¹

(12) "Administrator" means the Price Administrator of the Office of Price Administration, Washington, D. C., or such person as he may appoint or designate to carry out any of his duties.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1499.566 *Effective date.* This Maximum Price Regulation No. 211 (§§ 1499.551 to 1499.570 inclusive) shall become effective August 29, 1942.

§ 1499.567 *Appendix A: Procedure for the adjustment of maximum prices under § 1499.564 (a)—(a) Rule 1: Right to file petition.* A petition for adjustment may be filed by any ginner subject to the provisions of Maximum Price Regulation No. 211 who requests an adjustment of his maximum price in accordance with paragraph (a) of § 1499.564.

(b) *Rule 2: Form of petition.* Each petition shall contain, upon the first page thereof, the title of Maximum Price Regulation No. 211 and the section under which the petition is filed. An original and four copies of the petition and all accompanying briefs and documents shall be filed. Each copy shall be printed, typewritten, mimeographed or prepared by a similar process, and shall be plainly legible. Copies shall be double spaced, except that quotations shall be single spaced and indented.

(c) *Rule 3: Contents of petition.* Every petition filed in accordance with paragraph (a) of § 1499.564 and this § 1499.567 shall set forth the following:

(1) The name and post-office address of the petitioner and a description of his business;

(2) The name and post-office address of the person filing the petition on behalf of the petitioner and the name and post-office address of the person to whom all communications from the Office of Price Administration relating to the petition shall be sent;

(3) A clear and concise statement of the reasons why the petitioner seeks an adjusted maximum price;

(4) A clear and concise statement of all facts in support thereof; and

(5) A statement of the adjusted price requested by the petitioner.

(d) *Rule 4: Application must be verified.* A petition for adjustment shall be signed by the petitioner and shall contain a statement, signed and sworn to by the petitioner, that the statements made

in the application are known by him to be true and correct. Unless otherwise prohibited by law, every employee of the Office of Price Administration who is authorized to administer oaths shall, without charge, administer the oath required by this rule.

(e) *Rule 5: Place for filing petitions and number of copies.* An original and four copies of a petition for adjustment shall be filed with the appropriate Regional Office of the Office of Price Administration. A list of the Regional Offices with an enumeration of the states included in each region is set forth in Appendix D, incorporated herein as § 1499.570.

(f) *Rule 6: Investigation of petition by Regional Administrator.* On receipt of a petition for adjustment, the Regional Administrator or the appropriate State or District Office, acting under the direction of the Regional Administrator, shall make such investigation of the facts involving the petition, hold such conferences and require the filing of such additional information and affidavits as may be necessary to the proper disposition of the petition.

(g) *Rule 7: Action by Regional Office.* After due consideration the Regional Administrator may grant, or deny, in whole or in part, any petition for adjustment which is properly pending before him. The decision of the Regional Administrator shall be accompanied by a statement of the reasons for his action. In cases of unusual difficulty or importance the Regional Administrator shall refer the petition for decision to the Administrator in Washington, D. C.

(h) *Rule 8: Review by Administrator.* Any petitioner whose petition for adjustment has been denied in whole or in part by the Regional Office may, within fifteen days after the date on which such order of denial was mailed to him, file with the Regional Office a request for review by the Administrator of the order of denial. Requests for review shall be filed, in duplicate, in the manner set forth in Appendix C, incorporated herein as § 1499.569.

(i) *Rule 9: Action by Administrator.* After due consideration, the Administrator shall grant, or deny, in whole or in part, any petition for adjustment which is properly pending before him. The decision of the Administrator shall be accompanied by a statement of the reasons for his action.

(j) *Rule 10: Protest of denial of petition.* Any petitioner whose petition for adjustment is denied in whole or in part by the Administrator, may within sixty days after the issuance of the Administrator's order finally denying such petition, file a protest against such order in accordance with the provisions of Procedural Regulation No. 1.¹²

§ 1499.568 *Appendix B: Procedure for the filing of an application for a maximum price under § 1499.552 (b)—(a) Rule 1: Right to file application.* An application for a maximum price may be filed by a ginner subject to the provisions of Maximum Price Regulation No.

¹⁰ *Supra* Note 5.

¹¹ *Supra* Note 4.

¹² *Supra* Note 1.

¹¹ A list of the Regional Offices with an enumeration of the states included in each region is set forth in Appendix D, incorporated herein as § 1499.570.

¹² *Supra* Note 1.

211 who requests a maximum price in accordance with paragraph (b) of § 1499.552 for cotton ginning services which are not the same as or substantially similar to the services he sold or supplied in the base period.

(b) *Rule 2: Contents of application.* Every application filed in accordance with paragraph (b) of § 1499.552 and this § 1499.568 shall set forth the following:

(1) The name and post-office address of the applicant and a description of his business;

(2) The name and post-office address of the person filing the application on behalf of the applicant and the name and post-office address of the person to whom all communications from the Office of Price Administration shall be sent;

(3) The maximum price which the applicant seeks; and

(4) A clear and concise statement of all facts, including those required in paragraph (b) of § 1499.552, in support thereof.

(c) *Rule 3: Other procedural requirements.* An application for a maximum price filed in accordance with paragraph (b) of § 1499.552 and this § 1499.568 shall be subject in all other respects to the provisions of paragraphs (c) to (j), inclusive, of § 1499.567.

§ 1499.569 *Appendix C: Form for request for review of order of Regional Office concerning a petition for adjustment or application for a maximum price.*

[This request shall be filed in duplicate with the appropriate Regional Office of the Office of Price Administration]

....., a petitioner for adjustment of his maximum price for cotton ginning services or an applicant for a maximum price pursuant to §§ 1499.552 (b) or 1499.564 (a) of Maximum Price Regulation No. 211, Cotton Ginning Services, hereby requests the Office of Price Administration, Washington, D. C., to review the order of denial of such a petition for adjustment (Docket No.) in whole or in part, or order granting a maximum price entered by the Regional Office and mailed to the petitioner or applicant on, 194....

The petitioner's or applicant's objections to such order are as follows: (Petitioner or applicant should state briefly and concisely, and separately number his objections.)

§ 1499.570 *Appendix D: A list of the Regional Offices of the Office of Price Administration and the States included in each region.*

Regional offices:

Region I: Boston Regional Office, 17 Court St.

Region II: New York Regional Office, 350 Fifth Ave.

Region III: Cleveland Regional Office, 363 Union Commerce Building.

Region IV: Atlanta Regional Office, Candler Building, Peachtree St.

Region V: Dallas Regional Office, Fidelity Union Building.

Region VI: Chicago Regional Office, 2301 Civic Opera Building, 20 North Wacker Dr.

Region VII: Denver Regional Office, 334 U. S. National Bank Building.

Region VIII: San Francisco Regional Office, 1335 Market St.

Region IX: Territorial Office of Price Administration, Washington, D. C.

States covered

Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut.

New York, New Jersey, Pennsylvania, Delaware, Maryland, and District of Columbia.

Ohio, Michigan, Indiana, Kentucky, and West Virginia.

Georgia, Alabama, Mississippi, Florida, Tennessee, North Carolina, South Carolina, and Virginia.

Texas, Oklahoma, Louisiana, Missouri, Arkansas, and Kansas.

Illinois, Wisconsin, Iowa, Minnesota, North Dakota, South Dakota, and Nebraska.

Colorado, New Mexico, Utah, Idaho, Montana, and Wyoming.

California, Nevada, Arizona, Oregon, and Washington.

Territories covered

Alaska, Puerto Rico, Virgin Islands, Canal Zone, and Hawaii.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8404; Filed, August 27, 1942; 5:03 p. m.]

PART 1341—CANNED AND PRESERVED FOODS
[Amendment 1 to Maximum Price Regulation 207¹]

FROZEN FRUITS, BERRIES AND VEGETABLES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new § 1341.206a, and a new § 1341.215 are added as set forth below.

§ 1341.206a *Information to purchasers from packers.* (a) Any packer selling any frozen fruits, berries or vegetables packed after the 1941 pack to any wholesaler, retailer or other purchaser, shall, before or at the time of delivery, disclose in writing to his purchaser, for each such kind, grade, brand and container size included in the sale, (1) the packer's weighted 60-day average price, as defined in paragraph (b) (1) of § 1341.202, adjusted to reflect the storage prescribed in paragraph (a) (1) therein, designated as the "base price", (2) the packer's maximum price, as computed under the provisions of this Regulation, designated as the "maximum price", and (3) the amount of the difference between such "base price" and such "maximum price", designated as the "permitted increase". Such statement may also contain similar information for any other brand, kind, flavor and container type and size of frozen fruits, berries and vegetables covered by this Regulation.

(b) When any packer has established a maximum price for any kind, grade and container size by using the maximum price of his competitor, as provided in paragraph (c) of § 1341.202, his base price shall be deemed to be the same as the base price of such competitor.

*Copies may be obtained from the Office of Price Administration
17 F.R. 6599.

(c) When any packer makes application to determine a maximum price after specific authorization by the Office of Price Administration, as provided in paragraph (d) of § 1341.202, such authorization will be accompanied by instructions as to the method for determining the price to be deemed the base price.

§ 1341.215 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1341.206a and 1341.215) to Maximum Price Regulation No. 207 shall become effective on August 28, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8460; Filed, August 28, 1942; 11:57 a. m.]

PART 1341—CANNED AND PRESERVED FOODS
[Maximum Price Regulation 212]

FROZEN FRUITS, BERRIES AND VEGETABLES AT WHOLESALE AND RETAIL

In the judgment of the Price Administrator, the determination of maximum prices for the packers of frozen fruits, berries and vegetables under Maximum Price Regulation No. 207 will result in maximum prices which will not be generally fair and equitable to wholesalers and retailers as applied to the 1942 pack and which will seriously impair the distribution of such commodities. This Maximum Price Regulation No. 212 is issued by the Price Administrator in order to establish maximum prices in sales at wholesale and retail which are fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The Price Administrator has ascertained and given due consideration to the prices of frozen fruits, berries and vegetables prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined to be of general applicability. So far as is practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

The maximum prices established herein are not below prices which will reflect to the producers of the raw agricultural commodities from which frozen fruits, berries and vegetables are manufactured, prices for their commodities equal to the highest of any of the following prices therefor determined and published by the Secretary of Agriculture: (1) 110 per centum of the parity price for each such commodity, adjusted by the Secretary of Agriculture for grade, location and seasonal differentials; (2) the market prices prevailing for each such commodity on October 1, 1941; (3) the market prices prevailing for each

such commodity on December 15, 1941; or (4) the average prices for each such commodity during the period July 1, 1919 to June 30, 1929.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, Maximum Price Regulation No. 212 is hereby issued.

AUTHORITY: §§ 1341.251 to 1341.268 inclusive, issued under Pub. Law 421, 77th Cong.

§ 1341.251 *Prohibition against dealing in frozen fruits, berries and vegetables above maximum prices.* On and after August 28, 1942, regardless of any contract or other obligation,

(a) No wholesaler or retailer shall sell or deliver any frozen fruits, berries or vegetables at a price higher than the maximum price established pursuant to the provisions of this Maximum Price Regulation No. 212.

(b) No person in the course of trade or business shall buy or receive any frozen fruits, berries or vegetables from a wholesaler or retailer at a price higher than the maximum price established pursuant to the provisions of this Maximum Price Regulation No. 212; and

(c) No wholesaler or retailer or other person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1341.252 *Wholesaler's maximum prices for frozen fruits, berries and vegetables.* (a) The wholesaler's maximum price per dozen for each kind, grade, brand and container size of frozen fruits, berries and vegetables, shall be:

(1) His maximum price per dozen for such kind, grade, brand and container size determined in conformity with the provisions of the General Maximum Price Regulation,¹ except that in the case of sales to institutional purchasers the month of October 1941 shall be substituted as a base for the month of March 1942 in computing the maximum price in conformity with §§ 1499.2 and 1499.3 of the General Maximum Price Regulation; plus

(2) The amount reported by his supplier as the permitted increase per dozen for such kind, grade, brand and container size, pursuant to the provisions of § 1341.206a of Maximum Price Regulation No. 207.

(b) No wholesaler shall so determine his maximum price for any brand and container size of any kind and grade of such frozen fruits, berries and vegetables until he has purchased or contracted to purchase from the 1942 pack a quantity which equals or exceeds 10 per centum of his total purchases of such kind and grade from the 1941 pack. If at the time of computing his maximum price for any kind, grade, brand and container size of such frozen fruits, berries or vegetables, the wholesaler has purchased or contracted to purchase the same kind, grade and container size from two or more packers, he shall use as the amount to be added pursuant to paragraph (a) (2) of this section the amount reported

as the permitted increase by the packer from whom the largest amount of such kind, grade, brand and container size was purchased.

§ 1341.253 *Retailer's maximum prices for frozen fruits, berries and vegetables.*

(a) The retailer's maximum price per package for each kind, grade, brand and container size of frozen fruits, berries or vegetables, shall be:

(1) His maximum price per package for such kind, grade, brand and container size determined in conformity with the provisions of the General Maximum Price Regulation; plus

(2) The amount reported by his supplier as the permitted increase per package for such kind, grade, brand and container size, pursuant to the provisions of § 1341.254 of this Maximum Price Regulation No. 212.

(b) The retailer's maximum price for each kind, grade, brand and container size of such frozen fruits, berries and vegetables shall be so determined after receipt by him of his first delivery of such kind, grade, brand and container size after August 28, 1942.

§ 1341.254 *Information to purchasers from wholesalers.* Every wholesaler, before or at the time of his first delivery to any purchaser for resale of any frozen fruits, berries and vegetables covered by this Maximum Price Regulation No. 212 after the wholesaler's maximum price therefor has been established under § 1341.252, shall supply to such purchaser a written statement identifying each such item included in the sale, and shall clearly indicate for each such item the increase which the purchaser is entitled to add to his maximum price under the General Maximum Price Regulation in computing the purchaser's maximum price under § 1341.253 of this regulation. In every such statement the information prescribed by this paragraph shall be preceded by the following announcement.

Your new ceiling price under the frozen fruits and vegetables regulation (MPR No. 212) for each item listed below is your March ceiling price plus the permitted increase shown per package.

Although no form for presenting the prescribed information which follows such announcement is established by this regulation, an example of an approved form which may be helpful to many wholesalers is set forth below.

| Item | | | Permitted increase per package (cents) |
|-----------------------|----------------|-------------------------|--|
| Kind | Brand | Container size (ounces) | |
| Asparagus cuts..... | Eagle..... | 12 | 2 |
| Asparagus spears..... | Eagle..... | 12 | 2 |
| Strawberries..... | Famous..... | 16 | 1 |
| Lima Beans..... | Star, etc..... | 40 | 5 |

Such statement may also contain similar information for any other items covered by this regulation even though they are not included in the sale. The amount of the retailer's permitted increase in each case shall be determined by the wholesaler by dividing by twelve the

amount of the wholesaler's permitted increase per dozen, as reported to the wholesaler by the wholesaler's supplier and otherwise determined under § 1341.252 hereof. When making such division, the wholesaler shall adjust fractions of one-half cent or more to the next higher cent and fractions of less than one-half cent to the next lower cent.

§ 1341.255 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 212 may be charged, demanded, paid or offered.

§ 1341.256 *Customary allowances or discounts.* No wholesaler or retailer shall change his customary allowances or discounts unless such change results in the same or a lower price.

§ 1341.257 *Transfer of business or stock in trade.* If the business, assets or stock in trade of a wholesaler or retailer are sold or otherwise transferred on or after August 28, 1942, and the transferee carries on the business, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this regulation.

§ 1341.258 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 212 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to frozen fruits, berries or vegetables, alone or in conjunction with any other commodity or by way of any commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1341.259 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 212, are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

§ 1341.260 *Records and reports.* (a) Every person who makes sales of frozen fruits, berries or vegetables at wholesale or retail on or after August 28, 1942, shall (1) preserve for examination by the Office of Price Administration for a period of two years all his existing records which were the basis for the computations required by §§ 1341.252 and 1341.253, and (2) preserve for the same period all records of the same kind as he has customarily kept, relating to the prices which he charged for frozen fruits, berries and vegetables sold on and after August 28, 1942, and (3) preserve for the same period all existing records showing as precisely as possible, the basis upon which he determined his maximum

¹ 7 FR. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6058, 6081, 6007, 6216.

prices for each kind, grade, brand and container size of frozen fruits, berries and vegetables, and (4) preserve for the same period a true copy of each statement filed with the Office of Price Administration pursuant to the provisions of paragraph (b).

(b) Within 30 days after establishing his maximum price per dozen under this Maximum Price Regulation No. 212 for any kind, grade, brand and container size of frozen fruits, berries and vegetables, each wholesaler shall prepare a statement in writing showing (1) his maximum price, as determined under paragraph (a) (1) of § 1341.252, designated as the "base price", (2) his maximum price, as determined under § 1341.252, designated as the "maximum price", and (3) the difference between the "base price" and the "maximum price", designated as the "permitted increase", and shall file such statement with the nearest Regional, State, District, or Field Office of the Office of Price Administration. Such statement may also contain similar information for any other kind, grade, brand and container size of frozen fruits, berries and vegetables.

§ 1341.261 *Licensing: Applicability of the registration and licensing provisions of the General Maximum Price Regulation.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at wholesale or retail any frozen fruits, berries or vegetables covered by this Maximum Price Regulation No. 212. When used in this section the terms "selling at wholesale" and "selling at retail" have the definitions given to them by §§ 1499.20 (p) and 1499.20 (o) respectively of the General Maximum Price Regulation.

§ 1341.262 *Petitions for amendment.* Any person seeking a modification of this Maximum Price Regulation No. 212 may file a petition therefor in accordance with the provisions of Procedural Regulation No. 1,⁷ issued by the Office of Price Administration.

§ 1341.263 *Applications for adjustment.* (a) The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum price established under this Maximum Price Regulation No. 212 for any seller at retail in any case in which such seller shows:

(1) That such maximum price is abnormally low in relation to the maximum prices of the same or similar commodities established for other sellers at retail; and

(2) That this abnormality subjects him to substantial hardship.

Applications for adjustment under this paragraph (a) shall be filed in accordance with Temporary Procedural Regulation No. 2.⁷

(b) The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum price established under this Maximum Price Regulation No. 212 for any seller at

wholesale in any case in which such seller shows:

(1) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar commodities; and

(2) That establishing for him a maximum price, bearing a normal relation to the maximum prices established for competitive sellers of the same or similar commodities, will not cause or threaten to cause an increase in the level of retail prices.

Applications for adjustment under this paragraph (b) shall be filed in accordance with Procedural Regulation No. 1.

(c) Any person seeking relief, for which no provision is made in the foregoing paragraphs (a) and (b) of this section, from a maximum price established under this Maximum Price Regulation No. 212 may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Procedural Regulation No. 1 and shall set forth the facts relating to the hardship to which such maximum price subjects the applicant together with a statement of the reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act of 1942 and of this Maximum Price Regulation No. 212 to eliminate the danger of inflation.

§ 1341.264 *Applicability.* The provisions of this Maximum Price Regulation No. 212 shall be applicable to the United States and the District of Columbia.

§ 1341.265 *Applicability of the General Maximum Price Regulation.* (a) The provisions of the General Maximum Price Regulation No. 212 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of frozen fruits, berries and vegetables at wholesale and retail for which maximum prices are established by this Maximum Price Regulation No. 212, except as provided in § 1341.261 hereof and hereinafter in paragraph (b).

(b) The provisions of the General Maximum Price Regulation shall apply to all sales and deliveries of any kind, grade, brand and container size of frozen fruits, berries and vegetables of the 1941 pack, or any earlier pack, until the wholesaler or retailer has established a maximum price for such kind, grade, brand and container size under the provisions of this Maximum Price Regulation No. 212.

§ 1341.266 *Export sales.* The maximum prices at which a person may export frozen fruits, berries and vegetables shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation⁴ issued by the Office of Price Administration.

§ 1341.267 *Definitions.* (a) When used in this Maximum Price Regulation No. 212 the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of person, legal successors or representatives of any of the foregoing and includes the United States, any agency thereof, any other Government, or any of its political subdivisions and any agency of any of the foregoing.

(2) "Packer" means a person who freezes and packs, either as a quick freezer or as a cold packer, any of the products defined herein as frozen fruits, berries and vegetables.

(3) "Frozen fruits, berries and vegetables" means any fruits, berries or vegetables which have been frozen and packed.

(4) "Institutional purchaser" shall mean any hotel, restaurant, club, hospital, sanitarium, asylum, charitable home, school, recreational camp, or other similar institution, and the armed forces of the United States, but not including service post exchanges.

(5) "1941 pack" of any frozen fruits, berries or vegetables shall be that pack the major portion of which was frozen and packed during the calendar year 1941.

(6) "Sale at retail" or "selling at retail", or words of similar import, means a sale or selling to an ultimate consumer other than an industrial, institutional or commercial user.

(7) "Sale at wholesale" or "selling at wholesale", or words of similar import, means a sale by a person who receives delivery of any frozen fruits, berries and vegetables for resale other than at retail.

(8) "Kind", when referring to any frozen fruits, berries or vegetables, also refers to the style of the pack of such frozen fruits, berries or vegetables.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1341.268 *Effective date.* This Maximum Price Regulation No. 212 (§§ 1341.251 to 1341.268, inclusive) shall become effective August 28, 1942.

Issued this 28th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8459; Filed, August 28, 1942; 11:57 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 12, Supp. 5]

PART 306—GENERAL AGENTS AND AGENTS

TERMS OF COMPENSATION PAYABLE TO AGENTS FOR COLLIERIES

Sec.

306.36 Vessels included.

306.37 Effective period.

306.38 Agents defined.

306.39 Sub-agents defined.

306.40 Compensation of agents in continental United States ports.

⁷ F. R. 971, 3663.

⁸ F. R. 3522, 3634.

⁴ F. R. 5059.

Sec.

306.41 Compensation of sub-agents in continental United States ports.

306.42 Brokerage.

AUTHORITY: §§ 306.36 to 306.42, inclusive, issued under E.O. 9054, 7 F.R. 837.

§ 306.36 *Vessels included.* This Part IV of General Order No. 12 is applicable to services rendered in connection with operations of vessels engaged in the coastwise transportation of coal under the standard form of Service Agreement (TCA).

The provisions of this Part IV and the compensation herein provided for Agents and Sub-Agents shall apply only while the vessel is engaged in the coastwise transportation of coal including ballast or loaded legs of voyages. When the vessel is engaged in other trades, the compensation shall be as provided for services rendered by Agents in conducting the business of vessels in such trade. If any provisions of this Part IV, General Order No. 12, are in conflict with the provisions of Part I, General Order No. 12, the provisions of this Part IV shall be controlling.

§ 306.37 *Effective period.* This Part IV shall become effective at the earliest dates permissible under said Service Agreements.

§ 306.38 *Agents defined.* All persons, firms or corporations designated as "Agent" under a standard form of Service Agreement (TCA) shall be entitled to the compensation of Agent under this Part IV, for services rendered in connection with vessels engaged in the coastwise transportation of coal.

§ 306.39 *Sub-agents defined.* A "Sub-agent" is one who is appointed by an agent to perform any of the functions of the Agent pursuant to the standard form of Service Agreement (TCA).

§ 306.40 *Compensation of agents in continental United States ports.* As compensation for each vessel allocated to an Agent to conduct the business of the vessel for the War Shipping Administration, such agent shall be paid at the rate of \$400. per month. (Out of this compensation the Agent must pay, among other things, all of the Agent's outgoing communication costs.)

§ 306.41 *Compensation of sub-agents in continental United States ports.* As compensation for services rendered by a Sub-Agent for the account of the United States, the Sub-Agent shall be paid the prevailing commercial rate, but in no event in excess of a lump sum of \$45 for the first three days the vessel remains in port, and thereafter at the rate of \$10 per day for each additional day; provided, no fee shall be paid for the time during which the vessel is laid up for repairs.

§ 306.42 *Brokerage.* No brokerage will be paid except with the prior approval of the Administrator and application for such brokerage will not be

considered unless brokerage was formerly paid in such trade.

By order of the War Shipping Administrator.
[SEAL] W. C. PEET, Jr.,
Secretary.

AUGUST 27, 1942.

[F. R. Doc. 42-8458; Filed August 28, 1942; 11:59 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1597]

DISTRICT BOARD 8

ORDER GRANTING TEMPORARY RELIEF IN PART AND REQUIRING FILING OF SUPPLEMENTAL DATA

In the matter of the petition of District Board No. 8 for the establishment of temporary price classifications for all coals in District No. 8 otherwise unclassified in size groups 24 to 27, inclusive.

District Board No. 8, on August 15, 1942, filed with this Division an original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the issuance of temporary and permanent orders permitting the sale, the offer for sale, and delivery of all coals produced by code members in District No. 8 not otherwise classified in Size Groups 24 to 27, inclusive, at not less than the minimum prices represented by the Classification "A" in such size groups. In substance, the petitioner contends that the demand for retort gas, water gas, and by-product coals (Size Groups 24 to 27, inclusive) produced by code members in District No. 8 is, because of the exigencies of the war, substantially in excess of the supply of such coals which have heretofore been classified and priced, and that the prohibition against shipment of unpriced coals, imposed by the Order of the Director in General Docket No. 19, is depriving war industries of their requirements. Petitioner alleges that it presently has no information concerning such unpriced coals, except that it does know the seam designation and the whereabouts of the mining properties in the case of certain of the mines producing such coals. Petitioner admits that proposal of classifications and minimum prices in accordance with the standards of the Coal Act will require examination by the Classification and Price Committee of District Board No. 8 of the various factors affecting classifications under the Act, but urges that in view of the immediate need for by-product coals, their sale be permitted, such as requested, despite the failure of the Board to submit sufficient information upon which proper classifications under the Act may be based.

On August 19, 1942, petitioner filed a Memorandum in Support of Temporary

Relief, stating in part that the Board had, since the filing of the petition herein, been advised of particular instances where the situation complained of in the petition is seriously impeding the production of products from the carbonization of coal which are vitally needed for the manufacture of steel for war purposes. It referred particularly to the great need for by-product coals by Hamilton By-Product Coke Ovens, Ltd., at Hamilton, Ontario. In this connection, it listed the specific mines (all located in the Hazard No. 4 Seam) from which Hamilton had sought, but been unable, to purchase unpriced by-product coals. In addition, petitioner specified several other particular mines, whose coals in Size Groups 24 to 27, inclusive, are presently unpriced, and which presently are being called upon to supply such coals.

The Bituminous Coal Act of 1937 provides that classification and minimum prices be established for coals produced by code members in accordance with specified standards. Compliance with such standards is not only important to assure proper execution by the Division of its statutory functions, but is essential to maintain a sound price structure for bituminous coals. It is, therefore, unfortunate the District Board No. 8, petitioner in this proceeding, has not submitted specific and detailed information concerning the factors which should be considered in establishing classifications and minimum prices for the coals of the District No. 8 mines presently unpriced in Size Groups 24 to 27. District boards should in the future anticipate increases in demands for coals produced by mines in their districts and, in conformance with the standards of the Act, should propose classifications and minimum prices for such coals supported by detailed information in time to permit consideration of such data by the Division. However, since such demands have apparently not been anticipated in this case and since immediate shipment of by-product coals from District No. 8 mines is essential to the prosecution of the war, the Acting Director is of the opinion that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth.

Temporary relief is, however, restricted to the mines named by petitioner in its Memorandum in Support of Temporary Relief. However, no temporary relief is granted herein for the coals of the Sunfire Mine (Mine Index No. 454) of the Kentucky Sun Coal Company, the Allock Mine (Mine Index No. 10) of the Carrs Fork Coal Company, and the Midland Mine (Mine Index No. 330) of the Old King Coal Company since classifications and minimum prices for the coals of those mines in Size Groups 24 to 27, inclusive, have been established in an Order Granting Temporary and Conditionally Final Relief, issued in Docket No. A-1583. Nor is temporary relief

granted for the coals of the Nugym Mine (Mine Index No. 534) of the C. & C. Coal Company, the Ethel No. 1 Mine (Mine Index No. 103) of the Ethel Chilton Mine, Inc., and the Ethel No. 2 Mine (Mine Index No. 199) of the Chilton Block Coal Company since classifications and minimum prices for the coals of those mines in Size Groups 24 to 27, inclusive, have heretofore been established in an Order Granting Temporary Relief and Conditionally Final Relief, issued in Docket No. A-1571.

Accordingly, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 8, For All Shipments Except Truck, is supplemented to include the price classifications and minimum prices appearing in Supplement R annexed hereto and made a part hereof.¹

It is further ordered, That on or before sixty (60) days from the date of this order, petitioner shall file with this Division a Supplemental affidavit setting forth specific information concerning the coals for which temporary classifications and minimum prices are herein granted and making proposals for the establishment of permanent classifications and minimum prices for such coals in strict conformance with the provisions of section 4, Part II, of the Coal Act, and orders and regulations of the Division.

It is further ordered, That the relief granted herein may be terminated, modified, revised, or withdrawn and is subject in all respects to further order of the Division.

Dated: August 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-8411; Filed, August 28, 1942;
11:08 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

[Docket No. AO 72-A 6]

TOLEDO, OHIO, MARKETING AREA

HEARING ON MILK HANDLING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 *et seq.*), and in accordance with the applicable rules of practice and procedure thereunder (7 CFR 900.1-900.17; 6 F.R. 6570, 7 F.R. 3350), notice is hereby given of a hearing to be held in the Waldorf Hotel, Toledo, Ohio, beginning at 10:00 a. m., c. w. t., September 3, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area. These amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to the economic or marketing conditions

which relate to the amendments, or any modification thereof, which are herein-after set forth. Such evidence may also include economic or marketing data relative to the provisions of the said tentatively approved marketing agreement and order which will be affected by approval of the proposed amendments or any modification thereof. The amendments which have been proposed are as follows:

A. Proposed by the Northwestern Co-operative Sales Association, Inc.:

1. Delete § 930.5 (a) (1) and substitute therefor the following:

(1) Class I milk price.—To the price determined pursuant to subparagraph (4) of this paragraph, add 95 cents: *Provided*, That such price shall not go below \$3.25 per hundredweight.

2. Review the Class II price under § 930.5 (a) (2).

3. Delete § 930.5 (a) (3) and substitute therefor the following:

(3) Class III milk price. The Class III price shall be the highest of the prices determined pursuant to subparagraph (4) of this paragraph.

4. Delete § 930.5 (a) (4) and substitute therefor the following:

(4) Basic formula price. The basic formula price per hundredweight to be used in determining the class prices pursuant to this paragraph shall be the highest of the prices computed pursuant to the following formulas:

(i) Determine the average of the basic or field prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received during the delivery period at the following plants: Van Camp Milk Company, Wauseon, Ohio; Pet Milk Company, Delta, Ohio; Defiance Milk Products Company, Defiance, Ohio; Pet Milk Company, Hudson, Michigan.

(ii) Multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 20 percent: *Provided*, That such price shall be subject to the following adjustments: (1) add 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption is above 5½ cents per pound, or (2) subtract 3½ cents per hundredweight for each full one-half cent that the price of such dry skim milk is below 5½ cents per pound. For purposes of determining this adjustment the price per pound of dry skim milk to be used shall be the average of the carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture for a Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period. In the event the United States Department of Agriculture does not publish car-

lot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, the average of the carlot prices for dry skim milk for human consumption, delivered at Chicago, shall be used. In the latter event the Class III price shall be subject to the following adjustments: (1) add 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption, delivered at Chicago, is above 7½ cents per pound, or (2) subtract 3½ cents per hundredweight for each full one-half cent that such price of dry skim milk is below 7½ cents per pound.

(iii) (a) Multiply the average wholesale price per pound of 92-score butter at Chicago for said delivery period as reported by the United States Department of Agriculture by six (6).

(b) Add 2.4 times the average weekly prevailing price per pound of "Twins" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this paragraph.

(c) Divide by seven (7), the sum so determined being hereafter referred to in this paragraph as the "combined butter and cheese value."

(d) To the combined butter and cheese value add 30 percent thereof.

(e) Multiply the sum computed in (d) above by 3.5.

5. Add at the end of § 930.7(c) the following:

5½ cents if the average butter price used in § 930.5(a) is more than 45 cents but not more than 50 cents.

6 cents if the average price used in § 930.5(a) is more than 50 cents but not more than 55 cents.

6½ cents if the average butter price used in § 930.5 (a) is more than 55 cents.

B. Proposed by the Toledo Milk Distributors Association:

1. Under § 930.4 (b) reclassify chocolate milk and milk drinks from Class I to Class III milk.

2. Delete § 930.5 (b) and substitute therefor the following:

(b) Price of Class I milk disposed of outside the marketing area. The price to be paid by a handler for milk received from producers and disposed of as Class I milk outside the marketing area shall be the price for Class I milk (other than relief milk) determined pursuant to paragraph (a) (1) of this section less 46 cents.

3. Under § 930.5 (a) (4) use prices for the month preceding the delivery period.

4. In § 930.4 (b) (3) replace the period with a comma and then add "and milk and cream purchased as an emergency supply."

C. Proposed by Driggs Dairy Farms, Inc.:

Reconsider § 930.1 (a) (9) and all references to emergency milk in other sections of the order.

D. Proposed by Dairy and Poultry Branch, Agricultural Marketing Admin-

¹Not filed as part of the original document.

istration, United States Department of Agriculture:

Add a new section, as follows:

Agents. The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

Copies of this notice of hearing and of Order No. 30, as amended, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 1019 South Building, Washington, D. C., or may be there inspected.

THOMAS J. FLAVIN,
Assistant to the Secretary of Agriculture.¹
Dated August 27, 1942.

[F. R. Doc. 42-8457; Filed, August 28, 1942;
11:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6401]

WESTERN UNION TELEGRAPH CO.

ORDER POSTPONING HEARING, ETC.

In the matter of changes in directory of station listings and increased rates of The Western Union Telegraph Company for service to and from various points in the United States and Canada.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 25th day of August, 1942;

It appearing that there have been filed with the Commission Supplements Nos. 64, 66, and 67 to The Western Union Telegraph Company Tariff F. C. C. No. 217, effective August 31, 1942, and September 1 and 8, 1942, respectively, changing said company's directory of station listings at the various points set forth in the attached list, marked Exhibit "A," and made a part hereof, and providing for the discontinuance of certain public telegraph offices and for an increase in the rates and charges applicable to the receipt, transmission, and delivery of telegraph messages to and from such points;

It further appearing that said Supplements Nos. 64, 66, and 67 to The Western Union Telegraph Company Tariff F. C. C. No. 217, make increases in rates and charges and state regulations and practices effecting such increases in rates and charges for the receipt, transmission and delivery of telegraph messages in interstate and foreign commerce; that the rights and interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective dates of said tariff supplements, insofar as they relate to increases in rates, should be

postponed pending hearing and decision thereon;

It is ordered, That the Commission, upon its own motion, without formal pleading, enter upon a hearing concerning the lawfulness of the rates, charges, regulations and practices contained in said Supplements Nos. 64, 66, and 67 to The Western Union Telegraph Company Tariff F. C. C. No. 217, insofar as they relate to changes in such company's directory of station listing at the various named points set forth in Exhibit "A";

It is further ordered, That the operation of said tariff supplements, insofar as they provide for an increase in rates and charges for the receipt, transmission and delivery of interstate or foreign telegraph messages to and from the points set forth in Exhibit "A", be suspended; and that the use of the rates, charges, regulations and practices therein stated as applicable to such points, insofar as they provide for an increase in such rates and charges, be deferred for a period of three months beyond the time when they would otherwise go into effect, unless otherwise ordered by the Commission; and during said period of suspension, no change shall be made in the rates, charges, regulations and practices herein suspended or in the rates or charges sought to be increased or in the regulations and practices relating thereto unless authorized by special permission of the Commission;

It is further ordered, That an investigation be, and the same is hereby, instituted into the lawfulness of the rates, charges, classifications, regulations, practices and services of The Western Union Telegraph Company for and in connection with service to and from the points named in Supplements 64, 66, and 67 to The Western Union Telegraph Company Tariff F. C. C. No. 217;

It is further ordered, That in the event a decision as to the lawfulness of the charges herein suspended has not been made during the suspension period, and said charges shall go into effect, The Western Union Telegraph Company and all other carriers participating in service provided under the tariff provisions suspended herein, shall, until further order of the Commission, each keep accurate account of all amounts charged, collected or received by each of them by reason of any increase in charges affected thereby; in which accounts each such carrier shall specify by whom and in whose behalf such amounts are paid;

It is further ordered, That the Western Union Telegraph Company and each participating carrier shall file with this Commission a report, under oath, on or before the 10th day of each calendar month, commencing January 10, 1943, showing the amounts charged, collected or received and accounted for as aforesaid, during the previous calendar month;

It is further ordered, That a copy of this order shall be filed in the office of the Federal Communications Commission with said tariff supplements herein suspended in part; that copies hereof be served upon the carrier parties to such supplements and tariffs; and that said

carrier parties be, and they are hereby, each made a party respondent to this proceeding;

It is further ordered, That the hearing in this proceeding be, and the same is hereby, postponed to 10:00 a. m. on the 23rd day of September, 1942, at the offices of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-8414; Filed, August 28, 1942;
11:03 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-408, G-410]

OHIO FUEL GAS CO. AND PANHANDLE
EASTERN PIPE LINE CO.

ORDER CONSOLIDATING PROCEEDINGS FOR
AND FIXING DATE OF HEARING

In the matter of The Ohio Fuel Gas Company and in the matter of Panhandle Eastern Pipe Line Company.

Upon consideration of the application filed August 24, 1942, by The Ohio Fuel Gas Company in Docket No. G-408 for a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act as amended for the construction and operation of a connection between its facilities and those of Panhandle Eastern Pipe Line Company in Lucas County, Ohio; and

Upon consideration of the application filed August 21, 1942, by Panhandle Eastern Pipe Line Company in Docket No. G-410 for a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act as amended for the construction and operation of a connection between its facilities and those of The Ohio Fuel Gas Company in Lucas County, Ohio; and

It appearing to the Commission that:

(a) The connection of facilities proposed in the aforesaid applications was requested by a letter of J. A. Krug, Chief, Power Branch, War Production Board, addressed July 24, 1942, jointly to The Ohio Fuel Gas Company and Panhandle Eastern Pipe Line Company, as essential in order to assure adequate supplies of natural gas to the war industries in the regions served by The Ohio Fuel Gas Company;

(b) The proceedings in the aforesaid matters involve similar facts, issues and requests for substantially the same authorization, and may be considered more effectively and expeditiously if consolidated for the purpose of hearing;

The Commission *Orders*, That: (a) The proceedings in the matters of The Ohio Fuel Gas Company (Docket No. G-408) and Panhandle Eastern Pipe Line Company (Docket No. G-410) be and they are hereby consolidated for the purpose of hearing thereon;

(b) A public hearing on the aforesaid matters be held, commencing at 9:45 A. M. (EWT) September 4, 1942, in the Hearing Room of the Commission at 1800 Pennsylvania Avenue NW., in the City of Washington, D. C.;

¹ Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2656)

² Filed with the Division of the Federal Register.

(c) Interested State Commissions may participate in the said hearings, pursuant to the Commission's Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-8408; Filed August 28, 1942;
9:40 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4821]

SOUTHGATE BROKERAGE COMPANY, INC.

COMPLAINT AND NOTICE OF HEARING

The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of subsection (c) of section 2 of the Clayton Act (U.S.C. Title 15, Sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Southgate Brokerage Company, Inc., is a corporation organized and existing under the laws of the State of Virginia with its principal office and place of business located at 249 West Taswell Street, Norfolk, Virginia. The respondent also operates four branch offices and warehouses located at Winston-Salem, Charlotte, Wilmington, and Greensboro, North Carolina. The respondent is engaged in the purchase, sale, and distribution of food products, canned goods and miscellaneous merchandise.

PAR. 2. Respondent is now and for many years last past, has been engaged in business, principally, as a jobber, buying in its own name for resale various food products, canned goods and miscellaneous merchandise and reselling such products. To a minor extent, respondent acts as a broker of food products, canned goods and miscellaneous merchandise.

PAR. 3. Respondent, in the course and conduct of its said business as a jobber, purchases a substantial portion of its requirements of food products, canned goods, and miscellaneous merchandise from sellers located in states other than the states in which the respondent is located. Pursuant to said purchases and instructions such commodities are caused to be shipped and transported by the respective sellers thereof across state lines to the respondent or to respondent's customers.

PAR. 4. Respondent, since June 19, 1936, in connection with the purchase of its requirements of food products, canned goods, and miscellaneous merchandise,

in interstate commerce, in its own behalf and for its own account, for resale, from numerous sellers located in states other than the states where the respondent is located, has been and is now receiving and accepting from numerous sellers of said food products, canned goods, and miscellaneous merchandise, brokerage fees or allowances and discounts in lieu of brokerage in substantial amounts.

The respondent receives such brokerage fees, discounts and allowances in lieu thereof in many ways, including the following four ways:

(1) By purchasing food products, canned goods and miscellaneous merchandise from sellers at prices lower than the same sellers sell such commodities and commodities of like grade and quality to other purchasers.

(2) By obtaining such commodities at prices that are lower than the prices at which such commodities and commodities of like grade and quality are sold by such sellers to other purchasers and which correspond to an amount which reflects all or a part of the brokerage fees currently being paid by such sellers to brokers for selling in behalf of such sellers of such commodities.

(3) By making deductions in lieu of brokerage from the invoices of certain sellers when paying such invoices.

(4) By receiving from certain sellers monthly rebate checks representing the customary brokerage fees of such sellers.

PAR. 5. A representative but by no means a complete list of sellers who since June 19, 1936 have sold and delivered food products, canned goods, and miscellaneous merchandise to respondent for its own account, and who have allowed, granted, and paid, directly or indirectly, as hereinabove set out, or otherwise, brokerage fees or allowances or discounts in lieu thereof on respondent's purchases for its own account from said sellers is as follows:

C. H. Musselman & Company, Biglerville, Pennsylvania.
Connell Brothers Company, Ltd., Monterey, California.
Eastern Shore Canning Company, Inc., Machipongo, Virginia.
E. H. Hamlin Company, Seattle Washington.
Fruitvale Canning Company, Inc., Oakland, California.
The Larsen Company, Green Bay, Wisconsin.
Morgan Packing Company, Austin, Indiana.
Pomona Products Company, Griffin, Georgia.
Rosenberg Brothers & Company, San Francisco, California.
Whitney & Company, Seattle, Washington.
Windsor Products Company, Bridgeton, New Jersey.

PAR. 6. The receipt and acceptance by the respondent of brokerage fees or allowances and discounts in lieu of brokerage by respondent as set forth above is in violation of subsection (c) of section 2 of the Clayton Act, as amended.

Wherefore, the premises considered, The Federal Trade Commission on this 25th day of August, A. D. 1942, issues its complaint against said respondent.

Notice

Notice is hereby given you, Southgate Brokerage Company, Inc., a corporation, respondent herein, that the 2nd day of October, A. D. 1942, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and

its official seal to be hereto affixed, at Washington, D. C., this 25th day of August, A. D. 1942.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-8413; Filed, August 28, 1942;
11:21 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. MC-35]

EXEMPTION OF CASUAL, OCCASIONAL OR RECIPROCAL TRANSPORTATION OF PASSENGERS BY MOTOR VEHICLE

ORDER EXTENDING EFFECTIVE DATE

In the matter of request of the Court for postponement of the effective date of the order in the above-entitled matter.

Upon consideration of the request of the Court that the effective date of the order in the above-entitled matter be extended, and good cause appearing:

It is ordered, That the order entered in said matter on March 21, 1942, [§ 210.1 of the Code of Federal Regulations] as subsequently modified to become effective September 1, 1942, be, and it is hereby, further modified so as to become effective on October 1, 1942.

Dated at Washington, D. C., this 26th day of August, A. D. 1942.

By the Commission, Commissioner Lee.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-8409; Filed, August 28, 1942;
10:44 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Administrative Order 24]

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY TO ACT FOR THE PRICE ADMINISTRATOR

Pursuant to the authority conferred upon the Price Administrator by the Emergency Price Control Act of 1942, the following Order is prescribed:

(a) Each Regional Administrator within his region is hereby authorized to exercise the functions, duties, powers, authority and discretion conferred upon the Price Administrator for the purpose of (1) issuing orders of adjustment of the maximum prices of cotton ginning services under §§ 1499.564 (b) and 1499.567 and (2) acting by the issuance of orders or otherwise upon applications for the determination of maximum prices under §§ 1499.552 (b) and 1499.567 of Maximum Price Regulation No. 211.

(b) Any order issued or other action taken by any Regional Administrator

pursuant to this delegation of authority shall have the same force and effect as if issued or taken by the Price Administrator.

Issued and effective this 26th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8403; Filed, August 27, 1942;
5:03 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-246]

AMERICAN PUBLIC WELFARE TRUST

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of August, A. D., 1942.

American Public Welfare Trust, a registered management investment company, has filed an application for an order under and pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 exempting from the provisions of section 17 (a) of said Act the following proposed transactions: (1) The sale by Halifax Power & Pulp Company, Ltd., an affiliated person of the applicant, to applicant of \$38,000 face amount of Hygienic Products Corporation's 5% First Mortgage Sinking Fund Collateral Trust Bonds, due 1963, at a price of \$38,000 and accrued interest; (2) The purchase by Halifax Power & Pulp Company, Ltd. from applicant of \$38,000 face amount of Hygienic Products Corporation's 5% First Mortgage Sinking Fund Collateral Trust Bonds, due 1963, and \$38,000 face amount of Participating Certificates based on one year 5% income note of Halifax Power & Pulp Company, Ltd. at a price of \$41,800 and accrued interest; and (3) The purchase by A. P. W. Paper Company, Inc., another affiliated person of applicant, from applicant of \$38,000 face amount of Hygienic Products Corporation's 5% First Mortgage Sinking Fund Collateral Trust Bonds, due 1963, in consideration of the transfer to applicant of 4,008 shares of Class A stock of A. P. W. Properties, Inc. together with \$21,968 in cash.

It is ordered, That a hearing on the aforesaid application be held on the 4th day of September, 1942 at 10:00 o'clock in the forenoon of that day in the hearing room of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise the interested parties where such hearing will be held.

It is further ordered, That William W. Swift or any officer or officers of the

Commission designated by it for that purpose shall preside at the hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given other person or persons whose participation in such proceedings may be in to the above named applicant and to any the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-8407; Filed, August 28, 1942;
9:40 a. m.]

[Filed No. 70-579]

TRI-CITY UTILITIES CO. AND ASSOCIATED ELECTRIC CO.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 27th day of August A. D., 1942.

Associated Electric Company, a registered holding company, and Tri-City Utilities Company, a wholly-owned subsidiary thereof, having filed a declaration and application pursuant to the Public Utility Holding Company Act of 1935 with respect to the reduction by Tri-City Utilities Company of its capital stock from time to time through the purchase and retirement of its common stock at its par value, to the extent of funds which become available to Tri-City Utilities Company from the sale of properties or other assets; and

The Commission on August 11, 1942, having ordered that a hearing on such matter be held on September 1, 1942, at 10 a. m., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania; and

The Tennessee Railroad and Public Utilities Commission and certain other interested parties having requested that such hearing be postponed; and it appearing appropriate to the Commission that said request be granted;

It is ordered, That the hearing in this matter, previously scheduled for September 1, 1942, be, and hereby is, postponed to September 16, 1942, at the same time and place and before the same trial examiner as heretofore designated.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-8406; Filed, August 28, 1942;
9:40 a. m.]